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ONTARIO.

STATUTES

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Eighth and Ninth Years of the Reign of  
Her Majesty  
QUEEN ELIZABETH II

Being the First Session of the Twenty-Sixth  
Legislature of Ontario

1960

CONVENED ON THE 26TH DAY OF JANUARY, 1960, AND  
PROROGUED ON THE 12TH DAY OF APRIL, 1960

---

HIS HONOUR JOHN KEILLER MACKAY  
LIEUTENANT GOVERNOR

---

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty  
1960





# STATUTES

## PROVINCE OF ONTARIO

QUEEN ELIZABETH II

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PART I  
PUBLIC ACTS  
Chapters 1 to 132







# 8-9 ELIZABETH II

## CHAPTER 1

### An Act to amend The Administration of Justice Expenses Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 23 of *The Administration of Justice Expenses Act*, as amended by section 5 of *The Administration of Justice Expenses Amendment Act, 1957*, is further amended by striking out "1st" in the fourth line and inserting in lieu thereof "15th", so that the subsection shall read as follows: R.S.O. 1950, c. 5, s. 23, subs. 1, amended

- (1) All accounts and demands preferred against a county in respect of the administration of criminal justice shall be delivered to the clerk of the peace on or before the 15th days of January, April, July and October in every year, and shall be audited and approved by the board of audit. Accounts against county

**2.** Subsection 1 of section 25 of *The Administration of Justice Expenses Act* is amended by striking out "1st and 15th" in the second line and inserting in lieu thereof "15th and the last", so that the subsection shall read as follows: R.S.O. 1950, c. 5, s. 25, subs. 1, amended

- (1) The accounts and demands shall be taken into consideration by the board of audit between the 15th and the last days of January, April, July and October in each year, and shall be disposed of as soon as practicable. When board to consider accounts

**3.** This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1960*. Short title





## CHAPTER 2

## An Act to amend The Andrew Mercer Reformatory Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, amended by relettering clause *a* as clause *aa* and by adding c. 17, s. 1, thereto the following clause: amended

(a) "Deputy Minister" means the Deputy Minister of Reform Institutions.

**2.**—(1) Subsection 1 of section 5 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, amended by striking out "inspector" in c. 17, s. 5, the first line and inserting in lieu thereof "Deputy Minister". subs. 1, amended

(2) Subsection 2 of the said section 5 is amended by R.S.O. 1950, striking out "inspector" in the first line and inserting in lieu c. 17, s. 5, thereof "Deputy Minister". subs. 2, amended

**3.** Section 6 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, repealed. c. 17, s. 6, repealed

**4.** Section 7 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, amended by striking out "the inspector" in the third line c. 17, s. 7, and inserting in lieu thereof "an officer designated under amended subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

**7.** A female detained in a common jail under sentence of imprisonment for an offence against any Act of the Legislature may, by the direction and warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, be conveyed by a female bailiff appointed for that purpose from such common jail to the reformatory for the unexpired portion of the term of imprisonment to which she was sentenced or committed, Transfer from jail to reformatory R.S.O. 1950, c. 273

and

and such female shall thereupon be imprisoned in the reformatory for the residue of the term and shall be subject to all the regulations of the reformatory.

R.S.O. 1950,  
c. 17, s. 9,  
subs. 1,  
amended

5. Subsection 1 of section 9 of *The Andrew Mercer Reformatory Act* is amended by striking out "The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof "An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the subsection shall read as follows:

Retransfer  
to jail may  
be directed  
R.S.O. 1950,  
c. 273

- (1) An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* may by warrant direct the removal from the reformatory back to the common jail of any female under sentence of imprisonment for an offence against any Act of the Legislature, and the female shall thereupon be conveyed to the common jail by the female bailiff.

R.S.O. 1950,  
c. 17, s. 12,  
amended

6. Section 12 of *The Andrew Mercer Reformatory Act* is amended by striking out "shall reside within the institution and shall be the chief executive officer of it and as such shall have, under the direction of the inspector" in the first, second and third lines and inserting in lieu thereof "shall be the chief executive officer of the institution and as such shall have, under the direction of the Deputy Minister", so that the section shall read as follows:

Powers and  
duties of  
superin-  
tendent

12. The superintendent shall be the chief executive officer of the institution and as such shall have, under the direction of the Deputy Minister, the execution, control and management of its affairs, subject to the regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution.

R.S.O. 1950,  
c. 17, s. 14,  
subs. 1,  
amended

7. Subsection 1 of section 14 of *The Andrew Mercer Reformatory Act* is amended by striking out "The inspector shall not, nor shall the superintendent or other officer or employee of the reformatory" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the subsection shall read as follows:

Officers not  
to be  
interested  
in any  
contract

- (1) No officer or employee of the Department of Reform Institutions shall, either in his own name or in the name of or in connection with or as the agent of

any other person, provide, furnish or supply any materials, goods or provisions for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

**8.** Section 15 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, c. 17, s. 15, amended amended by striking out "The superintendent shall not nor shall any officer or employee" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the section shall read as follows:

15. No officer or employee of the Department of Reform Officers not to engage in trade, etc., in the reformatory Institutions shall buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any prisoner or visitor or any other person, or employ any inmate in working for him.

**9.** Section 20 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, c. 17, s. 20, amended amended by striking out "inspector" in the sixth line and inserting in lieu thereof "Deputy Minister".

**10.** Section 21 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, c. 17, s. 21, repealed repealed.

**11.** This Act may be cited as *The Andrew Mercer Reformatory Amendment Act, 1960*. Short title





## CHAPTER 3

## An Act to amend The Assessment Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 24, s. 4, par. 3, amended

(b) The exemption from taxation under this paragraph Idem does not apply to lands rented or leased to a church or religious organization by any person other than another church or religious organization.

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952*, subsection 1 of section 2 of *The Assessment Amendment Act, 1954* and subsection 2 of section 1 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 4, par. 9, re-enacted

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by any public commission including a municipal parking authority wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal property

(3) Paragraph 19 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act, 1953*, is repealed. R.S.O. 1950, c. 24, s. 4, par. 19 (1953, c. 6, s. 1, subs. 2), repealed

2. Section 25 of *The Assessment Act*, as amended by section 7 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 25, re-enacted

25.—(1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so com-

plaining

plaining or any ratepayer may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

Deter-  
mination  
of school  
support,  
time for

- (2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

Revised  
assessment  
notice

- (3) Notwithstanding subsection 1, if the notice of complaint is received more than thirty days before the last day for giving the notice under subsection 1, the assessment commissioner or, if none, the assessor shall prepare and deliver to the clerk of the municipality, on or before the last day for giving the notice of complaint, a revised assessment notice showing liability in accordance with the circumstances existing at the time the notice of complaint was given, which notice shall be sent by the clerk, with the notice of the sitting of the court of revision to consider the complaint, to the owner or tenant to be assessed, to the owner or tenant appearing on the assessment roll and to the complainant, and the court of revision shall amend the roll in accordance with such revised assessment notice unless one of the parties concerned or his agent appears at the hearing and objects thereto, in which event the court of revision shall determine the matter as provided in subsection 1.

R.S.O. 1950,  
c. 24, s. 33,  
subs. 2a  
(1955, c. 4,  
s. 8, subs. 2),  
re-enacted

**3.—**(1) Subsection 2a of section 33 of *The Assessment Act*, as enacted by subsection 2 of section 8 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Farm  
lands and  
buildings

- (2a) For the purposes of subsections 2 and 3, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming and buildings thereon used solely for farm purposes, including the residence of the owner and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

(2) Subsection 3 of the said section 33, as amended by sub-<sup>R.S.O. 1950,</sup>  
 section 3 of section 8 of *The Assessment Amendment Act*,<sup>c. 24, s. 33,</sup>  
 1955, is further amended by adding at the commencement<sup>subs. 3,</sup>  
 thereof "Subject to subsection 2a", so that the subsection<sup>amended</sup>  
 shall read as follows:

- (3) Subject to subsection 2a, in assessing land having<sup>Land with</sup>  
 buildings thereon the value of the land and buildings<sup>buildings</sup>  
 shall be ascertained by giving consideration to  
 present use, location, cost of replacement, rental  
 value, sale value, and any other circumstance affect-  
 ing the value, and the value of the buildings shall  
 be the amount by which the value of the land is  
 thereby increased, and the actual value of the land  
 and the buildings so ascertained shall be set down  
 separately in the columns of the assessment roll, and  
 the assessment shall be the sum of such values.

(3) Subsection 5 of the said section 33 is amended by<sup>R.S.O. 1950,</sup>  
 inserting after "board" in the fourth line "or boards", so<sup>c. 24, s. 33,</sup>  
 that the subsection shall read as follows:<sup>subs. 5,</sup>  
<sup>amended</sup>

- (5) The profits from a mine or mineral work shall be<sup>Profits</sup>  
 assessed by, and the tax leviable thereon shall be<sup>from</sup>  
 paid to, the municipality in which the mine or<sup>mines</sup>  
 mineral work is situate, or, in unorganized territory,  
 the school board or boards having jurisdiction over  
 the area in which the mine or mineral work is situate;  
 provided that the assessment on each oil or gas well  
 operated at any time during the year shall be at  
 least \$20.

4.—(1) Clause *a* of subsection 1 of section 39 of *The Assess-*<sup>R.S.O. 1950,</sup>  
*ment Act*, as re-enacted by section 10 of *The Assessment*<sup>c. 24, s. 39,</sup>  
*Amendment Act, 1952*, is amended by adding at the end thereof<sup>(1952, c. 3,</sup>  
 "and includes a municipal parking authority established under<sup>s. 10),</sup>  
 any general or special Act", so that the clause shall read as<sup>subs. 1,</sup>  
 follows:<sup>cl. a,</sup>  
<sup>amended</sup>

- (a) "commission" means the council of a municipal  
 corporation, or a commission or trustees or other  
 body, operating a public utility for or on behalf of  
 the corporation and includes a municipal parking  
 authority established under any general or spe cial  
 Act.

(2) Clause *b* of subsection 1 of the said section 39 is amended<sup>R.S.O. 1950,</sup>  
 by adding at the end thereof "and includes parking facilities<sup>c. 24, s. 39</sup>  
 on land owned by a municipal corporation or by a municipal<sup>(1952, c. 3,</sup>  
 parking authority established under any general or special<sup>s. 10),</sup>  
 Act", so that the clause shall read as follows:<sup>subs. 1,</sup>  
<sup>cl. b,</sup>  
<sup>amended</sup>

- R.S.O. 1950,  
c. 96
- (b) “public utility” means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act.

R.S.O. 1950,  
c. 24, s. 51  
(1951, c. 4,  
s. 3), subs. 1,  
cls. a, b,  
re-enacted

5. Clause *a*, as amended by section 12 of *The Assessment Amendment Act, 1952*, and clause *b* of subsection 1 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, are repealed and the following substituted therefor:

- (a) the value or increase in value as the case requires, as certified by the assessor, of any building as determined by section 33 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied or reasonably fit for occupancy;
- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the 1st day of January ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33; and
- . . . . .

R.S.O. 1950,  
c. 24, s. 51*a*  
(1951, c. 4,  
s. 3), subs. 1,  
cl. b,  
re-enacted

6. Clause *b* of subsection 1 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is repealed and the following substituted therefor:

- (b) the value or increase in value as the case requires, as certified by the assessor, of any building or land or portion thereof that after the return of the roll ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 2*a* of section 33; and
- . . . . .

R.S.O. 1950,  
c. 24, s. 53,  
subs. 3, cl. b,  
amended

7. Clause *b* of subsection 3 of section 53 of *The Assessment Act* is amended by striking out “ten” in the second line and inserting in lieu thereof “fourteen” and by striking out “fourteen” in the third line and inserting in lieu thereof “thirty”, so that the clause shall read as follows:

- (b) the period named for assessment appeals to the court of revision be less than fourteen days or more than thirty days from the day on which the relevant assessment roll is returned.

R.S.O. 1950,  
c. 24, s. 87,  
subs. 1*a*  
(1958, c. 4,  
s. 7, subs. 2),  
cl. a,  
amended

8.—(1) Clause *a* of subsection 1*a* of section 87 of *The Assessment Act*, as enacted by subsection 2 of section 7 of *The Assessment Amendment Act, 1958*, is amended by inserting after “payment” in the first line “computed under paragraph 1 of subsection 2 of section 33*a*”, so that the clause shall read as follows:

(a)



- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 33a that was credited to the general funds of the municipality by 1000; and

. . . . .

(2) The said section 87, as amended by section 20 of *The Assessment Amendment Act, 1955*, section 14 of *The Assessment Amendment Act, 1957* and section 7 of *The Assessment Amendment Act, 1958*, is further amended by adding thereto the following subsection:

- (1b) For the purpose of county rates, there shall be added to the aggregate valuations of the municipality, as increased or decreased under subsection 1, the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario.

Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

9. Subsection 1 of section 104 of *The Assessment Act* is amended by striking out “\$3” in the sixth, seventh and ninth lines respectively and inserting in lieu thereof “\$6”, so that the subsection shall read as follows:

R.S.O. 1950, c. 24, s. 104, subs. 1, amended

- (1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.

Minimum tax

10.—(1) Clause *b* of subsection 1 of section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953*, is amended by inserting after “year” in the second line “or during the preceding year after the return of the assessment roll”, so that the clause shall read as follows:

R.S.O. 1950, c. 24, s. 124 (1953, c. 6, subs. 1, s. 13), cl. b, amended

- (b) in respect of real property which has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or

. . . . .

R.S.O. 1950,  
c. 24, s. 124  
(1953, c. 6,  
s. 13),  
subs. 1,  
cl. c,  
amended

(2) Clause *c* of subsection 1 of the said section 124 is amended by inserting after "year" in the second line "or during the preceding year after the return of the assessment roll", so that the clause shall read as follows:

- (c) in respect of a building which was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or

. . . . .

R.S.O. 1950,  
c. 24, s. 138,  
subs. 1,  
amended

**11.** Subsection 1 of section 138 of *The Assessment Act* is amended by striking out "thirty-five cents" in the third line and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

Written  
statement  
of arrears

- (1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge \$1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

R.S.O. 1950,  
c. 24, s. 237  
(1957, c. 2,  
s. 19),  
amended

**12.** Section 237 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1957*, is amended by adding thereto the following subsection:

Municipal  
services

- (1a) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Commence-  
ment

**13.**—(1) This Act, except sections 1, 2, 3, 4, 7, 8 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 3 shall be deemed to have come into force on the 1st day of January, 1959.

Idem

(3) Subsection 3 of section 3 and sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1960.

Idem

(4) Sections 1, 2, 4 and 7 come into force on the 1st day of January, 1961.

Short title

**14.** This Act may be cited as *The Assessment Amendment Act, 1960*.

## CHAPTER 4

**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1950,  
c. 36, s. 35,  
repealed is repealed.

2. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1960*. Short title





## CHAPTER 5

**An Act to amend  
The Boilers and Pressure Vessels Act, 1951**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 44 of *The Boilers and Pressure Vessels Act, 1951* is amended by adding thereto the following <sup>1951, c. 7, s. 44, subs. 1, amended</sup> clause:

(ss) prescribing the fee to be paid on the approval of procedures to be followed in the welding of boilers or pressure vessels.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Boilers and Pressure Vessels Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 6

## An Act to amend The Bulk Sales Act, 1959

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Bulk Sales Act, 1959* <sup>1959, c. 9,  
s. 1, cl. *h*,  
re-enacted</sup> is repealed and the following substituted therefor:

(*h*) “secured trade creditor” means a person to whom a seller is indebted, whether or not the debt is due,

(i) for stock, money or services furnished for the purpose of enabling the seller to carry on business, or

(ii) for rental of premises in or from which the seller carries on business,

and who holds security or is entitled to a preference in respect of his claim.

(2) Clause *i* of the said section 1 is repealed.

1959, c. 9,  
s. 1, cl. *i*,  
repealed

2. Section 2 of *The Bulk Sales Act, 1959* is amended by <sup>1959, c. 9,  
s. 2,  
amended</sup> inserting after “administrator” in the second line “a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made under that Act, a creditor realizing upon his security”, so that the section shall read as follows:

2. This Act applies to every sale in bulk except a sale <sup>Application  
of Act</sup> in bulk by an executor, an administrator, a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made <sup>R.S.O. 1950,  
c. 229</sup> under that Act, a creditor realizing upon his security, a receiver, an assignee or trustee for the benefit of creditors, a trustee under the *Bankruptcy Act* <sup>R.S.C. 1952,  
o. 14</sup> (Canada), a liquidator or official receiver, or a public official acting under judicial process.

1959, c. 9,  
s. 7,  
repealed

**3.** Section 7 of *The Bulk Sales Act, 1959* is repealed.

1959, c. 9,  
s. 9, subs. 1,  
amended

**4.**—(1) Subsection 1 of section 9 of *The Bulk Sales Act, 1959* is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Completion  
of sale

(1) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the seller and thereupon acquire the property of the seller in the stock in bulk,

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. a,  
re-enacted

(2) Clause *a* of subsection 1 of the said section 9 is repealed and the following substituted therefor:

(a) if the statement mentioned in section 4 discloses that the claims of the unsecured trade creditors of the seller do not exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller do not exceed a total of \$2,500 and the buyer has no notice that the claims of the unsecured trade creditors of the seller exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller exceed a total of \$2,500; or

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. c,  
amended

(3) Clause *c* of subsection 1 of the said section 9 is amended by inserting after “secured” in the fourth line “trade”.

1959, c. 9,  
s. 9, subs. 2,  
amended

(4) Subsection 2 of the said section 9 is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the trustee and thereupon acquire the property of the seller in the stock in bulk, if the seller delivers to the buyer,

. . . . .



5.—(1) Subsection 1 of section 12 of *The Bulk Sales Act*, 1959, c. 9,  
1959 is repealed and the following substituted therefor: s. 12,  
subs. 1,  
re-enacted

(1) Within five days after the completion of a sale in bulk, the buyer shall file in the office of the clerk of the court an affidavit setting out the particulars of the sale, including the subject-matter thereof and the name and address of the trustee, if any, and exhibiting duplicate originals of the statement mentioned in section 4, the statement, if any, mentioned in clause *b* of subsection 1 of section 9, the waivers, if any, mentioned in clause *c* of subsection 1 of section 9 and the consent and affidavit, if any, mentioned in subsection 2 of section 9. Filings on completion of sale

(1a) For services rendered in connection with the filings required by subsection 1, the clerk of the court is entitled to the following fees: Fees

- 1. For filing affidavit..... \$1.00
- 2. For a search..... .50
- 3. For a certificate of filing of affidavit.. .50
- 4. For copies of affidavit and certifying the same, for every 100 words..... .20
- 5. For production and inspection of affidavit..... .10

(2) Subsection 2 of the said section 12 is amended by adding thereto the following clause: 1959, c. 9,  
s. 12,  
subs. 2,  
amended

(c) upon the application of the buyer after the lapse of one year from the date of the completion of the sale in bulk and upon being satisfied that the claims of all unsecured trade creditors and secured trade creditors of the seller existing at the time of the completion of the sale have been paid in full and that no action or proceeding is pending to set aside the sale or to have the sale declared void and that the application is made in good faith and not for any improper purpose, make an order dispensing with compliance therewith.

6. Section 16 of *The Bulk Sales Act*, 1959 is amended by adding thereto the following subsection: 1959, c. 9,  
s. 16,  
amended

(2) Upon the application of a seller and upon being satisfied that good and sufficient cause exists that

any

any affidavit required to be made under this Act should be made otherwise than under subsection 1, a judge may order accordingly.

1959, c. 9,  
s. 17,  
re-enacted

**7.** Section 17 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Effect of  
buyer  
failing to  
comply  
with Act

17.—(1) A sale in bulk is voidable unless the buyer has complied with this Act.

Personal  
liability  
of buyer

(2) If a sale in bulk has been set aside or declared void and the buyer has received or taken possession of the stock in bulk, he is personally liable to account to the creditors of the seller for the value thereof, including all moneys, security or property realized or taken by him from, out of, or on account of, the sale or other disposition by him of the stock in bulk.

1959, c. 9,  
s. 18,  
amended

**8.** Section 18 of *The Bulk Sales Act, 1959* is amended by adding thereto the following subsection:

Where no  
right of  
action

(2) No action shall be brought or proceeding taken in respect of real property included in a sale in bulk if the real property has been sold, transferred, charged or mortgaged to a *bona fide* purchaser, transferee, chargee or mortgagee for valuable consideration without actual notice of non-compliance with the Act by the buyer.

1959, c. 9,  
s. 20,  
re-enacted

**9.** Section 20 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Limitation  
of action

20. No action shall be brought or proceeding taken to set aside or have declared void a sale in bulk for failure to comply with this Act unless the action is brought or the proceeding is taken either before the documents are filed under section 12 or within six months after the date on which the documents were filed under section 12.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Bulk Sales Amendment Act, 1960*.

## CHAPTER 7

## An Act to amend The Cemeteries Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Cemeteries Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 46, s. 2,  
re-enacted

2. No cemetery shall be established or enlarged, and no crematorium, columbarium or mausoleum shall be established, enlarged, altered or used, until the approval of the Department has been applied for and obtained in the manner hereinafter provided. Establishment of  
cemeteries,  
etc.

2. Section 3 of *The Cemeteries Act*, as amended by section 2 of *The Cemeteries Amendment Act, 1957*, is further amended by inserting after "cemetery" in the fourth line "crematorium, columbarium or mausoleum", so that the section shall read as follows: R.S.O. 1950,  
c. 46, s. 3,  
amended

3. An application for such approval shall be made in writing to the council of the municipality, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery, crematorium, columbarium or mausoleum purposes, together with such other information as the regulations may require. Application

3. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 46,  
amended

7b. The provisions of this Act designated by the regulations apply *mutatis mutandis* to crematoria, columbaria and mausolea. Application of  
designated  
provisions to  
crematoria,  
etc.

4.

R.S.O. 1950,  
c. 46, s. 8,  
subs. 1, cl. *i*  
(1953, c. 12,  
s. 1),  
re-enacted

4.—(1) Clause *i* of subsection 1 of section 8 of *The Cemeteries Act*, as enacted by section 1 of *The Cemeteries Amendment Act, 1953*, is repealed and the following substituted therefor:

- (i) prescribing the amount of money that shall be set aside for perpetual care by the owner, and regulating the method and manner of the computation of the amount of money so to be set aside, and prescribing the matters or things in and about the cemetery, columbarium or mausoleum upon which the owner may expend the income from perpetual care funds.

R.S.O. 1950,  
c. 46, s. 8,  
subs. 1,  
cl. *m* (1954,  
c. 6, s. 3),  
amended

(2) Clause *m* of subsection 1 of the said section 8, as enacted by section 3 of *The Cemeteries Amendment Act, 1954* and amended by subsection 4 of section 5 of *The Cemeteries Amendment Act, 1957*, is further amended by inserting after “17e” in the third line “and any cemetery that is not operated for gain from any other provisions of this Act”, so that the clause shall read as follows:

- (m) exempting any cemetery, mausoleum or columbarium or any class thereof from the application of section 7a, 17c, 17d or 17e and any cemetery that is not operated for gain from any other provisions of this Act, and prescribing the conditions under which such cemetery, mausoleum or columbarium or any class thereof shall be exempt therefrom, and any such regulation may have a retroactive effect; and

. . . . .

R.S.O. 1950,  
c. 46, s. 8,  
subs. 1,  
amended

(3) Subsection 1 of the said section 8, as amended by section 1 of *The Cemeteries Amendment Act, 1953*, section 3 of *The Cemeteries Amendment Act, 1954* and section 5 of *The Cemeteries Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (o) designating the provisions of this Act that shall apply *mutatis mutandis* to crematoria, columbaria and mausolea.

R.S.O. 1950,  
c. 46, s. 16a  
(1954, c. 6,  
s. 4), subs. 1,  
re-enacted

5.—(1) Subsection 1 of section 16a of *The Cemeteries Act*, as re-enacted by section 4 of *The Cemeteries Amendment Act, 1954*, is repealed and the following substituted therefor:

Perpetual  
care funds  
to be set  
aside

- (1) Where an owner sells or transfers a lot in a cemetery or a compartment in a mausoleum or columbarium, he shall set aside in trust for perpetual care, out of the amount received on the sale or transfer, such amount as the regulations prescribe.



- (1a) Where the amount received on the sale or transfer is not sufficient to provide the amount prescribed by the regulations or if nothing is received on the sale or transfer, the owner shall forthwith make up the deficiency so as to provide the amount so prescribed.

Deficiency  
in perpetual  
care funds

- (1b) Where the owner is entitled to retain perpetual care funds, he shall invest the amount so set aside or, where he is not entitled to retain perpetual care funds, he shall pay over the amount so set aside as provided in this Act.

Disposition  
of perpetual  
care funds

(2) Subsection 2 of the said section 16a, as amended by section 6 of *The Cemeteries Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 46, s. 16<sup>a</sup>  
(1954, c. 6,  
s. 4), subs. 2,  
re-enacted

- (2) The owner shall, out of the income of such investment, preserve and maintain in a proper manner in perpetuity all lots in a cemetery, or compartments or crypts in the mausoleum or columbarium, as the case may be, and the owner may, out of such income, preserve and maintain tombs, monuments and enclosures and such other matters or things in or about the cemetery, mausoleum or columbarium as may be prescribed by the regulations.

Application  
of perpetual  
care income

**6.** Subsection 1 of section 17c of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by adding at the end thereof "within one month from the day on which such funds come into his possession or within such further period of time as the regulations provide", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 46, s. 17<sup>c</sup>  
(1954, c. 6,  
s. 5), subs. 1,  
amended

- (1) Every owner shall pay over all perpetual care funds that have heretofore and that hereafter come into his possession to the Public Trustee or to a trust company registered under *The Loan and Trust Corporations Act* within one month from the day on which such funds come into his possession or within such further period of time as the regulations provide.

Payment  
over of  
perpetual  
care funds

R.S.O. 1950,  
c. 214

**7.—**(1) Subsection 1 of section 17d of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after "owner" in the first line "entitled to hold perpetual care funds", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 46, s. 17<sup>d</sup>  
(1954, c. 6,  
s. 5), subs. 1,  
amended

- (1) Every owner entitled to hold perpetual care funds, the Public Trustee or a trust company shall invest

Investment  
of funds

perpetual



R.S.O. 1950,  
c. 400

perpetual care funds in the same manner as a trustee is authorized to invest trust funds under *The Trustee Act*.

R.S.O. 1950,  
c. 46, s. 17*d*  
(1954, c. 6,  
s. 5), subs. 2,  
amended

(2) Subsection 2 of the said section 17*d* is amended by adding at the commencement thereof "Except as otherwise provided in this Act or the regulations" and by inserting after "funds" in the second line "or pending the payment over of such funds to the Public Trustee or a trust company in the case of an owner not entitled to hold perpetual care funds", so that the subsection shall read as follows:

Deposit of  
funds in  
bank  
pending  
investment

(2) Except as otherwise provided in this Act or the regulations, the owner, Public Trustee or a trust company, pending the investment of perpetual care funds or pending the payment over of such funds to the Public Trustee or a trust company in the case of an owner not entitled to hold perpetual care funds, may deposit them during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1950,  
c. 214

R.S.O. 1950,  
c. 46, s. 17*i*  
(1954, c. 6,  
s. 5),  
amended

8. Section 17*i* of *The Cemeteries Act*, as enacted by section 5 of *The Cemeteries Amendment Act, 1954*, is amended by inserting after "purposes" in the fourth line "or has failed to set aside the proper amount for such purposes" and by adding at the end thereof "or to a trust company, or make such order as he deems necessary to compel compliance with this Act or the trust in question", so that the section shall read as follows:

Breach of  
trust

17*i*. If, upon the passing of accounts, the judge finds that the owner has been guilty of a breach of trust, or has in his hands perpetual care funds that are not immediately required for perpetual care purposes, or has failed to set aside the proper amount for such purposes, he may direct that the funds or a portion thereof be paid to the Public Trustee or to a trust company, or make such order as he deems necessary to compel compliance with this Act or the trust in question.

R.S.O. 1950,  
c. 46, s. 41,  
amended

9. Section 41 of *The Cemeteries Act* is amended by adding thereto the following subsection:

Removal,  
etc., of  
monuments

(1*a*) The authority given to make by-laws under clause *e* of section 1 includes authority to provide for the removal or re-arrangement of any monument or

gravestone or other structure in any cemetery that the municipality or the police village, as the case may be, has been charged with maintaining under section 38.

**10.** This Act, except subsection 1 of section 5 and sections 6, 7 and 8, comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

**11.** This Act may be cited as *The Cemeteries Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 8

**An Act to amend  
The Certification of Titles Act, 1958**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Certification of Titles Act, 1958* is re-pealed and the following substituted therefor: 1958, c. 9,  
s. 7,  
re-enacted

7. Upon the filing of an application, the director of titles shall cause notice thereof, Notice of  
application

(a) to be registered in the registry office of the registry division in which the land is situate; and

(b) to be published in a newspaper having general circulation in the locality in which the land is situate; or

(c) to be served on owners and mortgagees of land adjoining the land of the applicant; and

(d) to be given in such other manner, if any, as he deems proper.

**2.** Section 15 of *The Certification of Titles Act, 1958* is amended by adding thereto the following subsection: 1958, c. 9,  
s. 15,  
amended

(4a) Where the amount calculated under subsection 2 is less than \$1, the amount payable is \$1. Minimum  
payment

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Certification of Titles Amendment Act, 1960*. Short title





## CHAPTER 9

**An Act to provide Hospitals for the Care and Treatment of Children suffering from Emotional or Psychiatric Disorders**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "board" means a board of governors appointed under this Act;
- (b) "children" means persons sixteen years of age or under;
- (c) "hospital under this Act" means a hospital for the care and treatment of children suffering from emotional or psychiatric disorders that has been established or designated as a hospital under this Act;
- (d) "Minister" means the Minister of Health;
- (e) "patient" means a person received and lodged in a hospital under this Act for the purpose of treatment;
- (f) "regulations" means the regulations made under this Act; and
- (g) "treatment" means the maintenance, observation, nursing, medical and other care of a patient.

**2.—(1)** The Lieutenant Governor in Council may establish <sup>New</sup> hospitals one or more hospitals under this Act.

**(2)** The Lieutenant Governor in Council may designate any <sup>Existing</sup> hospital in operation when this Act comes into force as a <sup>hospitals</sup> hospital under this Act.

Name	(3) The Lieutenant Governor in Council may designate the name by which any hospital under this Act is to be known.
Adminis- tration	<b>3.</b> The Minister shall administer this Act and, except where a board has been appointed under section 4, he shall, through the Deputy Minister of Health and the superintendent of the hospital, administer every hospital under this Act.
Board of governors	<b>4.—(1)</b> The Lieutenant Governor in Council may appoint a board of governors composed of not fewer than eight members, including members <i>ex officio</i> , to establish, maintain and operate or to maintain and operate, as the case may be, any hospital under this Act.
Corporate status	(2) Every board is a body corporate.
Vacancies	(3) Vacancies in a board may be filled from time to time by the Lieutenant Governor in Council.
Director and staff	(4) A board may employ a director and such other officers and staff as are from time to time required for its purposes, and may pay the director, other officers and staff such remuneration as it deems proper out of its funds.
By-laws	(5) Subject to the approval of the Lieutenant Governor in Council, a board may make such by-laws, rules and regulations as it deems expedient for the administration of its affairs.
Agreements	(6) Subject to the approval of the Lieutenant Governor in Council, a board may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out its objects.
Funds	(7) The funds of a board consist of moneys received by it from any source and the board may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper.
Audit of accounts	(8) The accounts of a board shall be audited annually by the provincial Auditor or by such other auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the board.
Annual report	(9) A board shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the board during the preceding year.

**5.** Subject to the direction of the Minister or, where there is a board, the board, the superintendent of a hospital under this Act shall be in charge of and have control over it and he shall superintend the conduct and management of its affairs and shall control its other officers and staff and the patients therein.

Superintendent

**6.** The Lieutenant Governor in Council may designate any hospital under this Act that has a board as a hospital within the meaning of *The Public Hospitals Act, 1957* for the purpose of entitling it to receive grants under that Act and its regulations in the same amount and manner as other public hospitals under that Act.

Designation of public hospital  
1957, c. 98

**7.** The Lieutenant Governor in Council may designate any provision of *The Public Hospitals Act, 1957* or of the regulations thereunder or any provision of Part II or III of *The Mental Hospitals Act* or of the regulations thereunder as being applicable to any hospital under this Act.

Application of 1957, c. 96, and Parts II and III of R.S.O. 1950, c. 229

**8.** The real and personal property, business and income of a hospital operated by a board under this Act is not subject to assessment or taxation for municipal or provincial purposes.

Taxation

**9.** The Lieutenant Governor in Council may make regulations with respect to hospitals under this Act for,

Regulations

- (a) their creation, establishment, construction, alteration, equipment, safety, maintenance and repair;
- (b) their inspection, control, government, management, conduct, operation and use;
- (c) their superintendents, other officers and staffs and the powers and duties thereof;
- (d) their classifications, grades and standards, and the classification of patients, and the length of stay of and rates and charges for patients;
- (e) the admission, treatment, care, conduct, control, custody and discharge of patients or any class of patients;
- (f) any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**10.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commencement

**11.** This Act may be cited as *The Children's Mental Hospitals Act, 1960*.

Short title



## CHAPTER 10

## An Act to repeal The Clean Grain Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Clean Grain Act* is repealed.

R.S.O. 1950  
c. 55,  
repealed

2. This Act may be cited as *The Clean Grain Repeal Act*, Short title  
1960.





## CHAPTER 11

## An Act to amend The Conservation Authorities Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 8, subs. 2, amended is amended by striking out "a member" in the second line and inserting in lieu thereof "not more than three members", so that the subsection shall read as follows:

(2) Where the Lieutenant Governor in Council makes a Idem grant to an authority, he may appoint not more than three members of the authority.

2. Subsection 3 of section 12 of *The Conservation Authorities Act* R.S.O. 1950, c. 62, s. 12, subs. 3, re-enacted is repealed and the following substituted therefor:

(3) Where the Lieutenant Governor in Council makes a Appointment of chairman grant to an authority, he may appoint not more than three members to the executive committee and may also appoint the chairman, in which case he may appoint only two other members.

3. Clause *gg* of section 15 of *The Conservation Authorities Act*, R.S.O. 1950, c. 62, s. 15, cl. *gg* as enacted by section 6 of *The Conservation Authorities Amendment Act, 1954*, (1954, c. 10, s. 6), amended is amended by inserting after "for" in the third line "park or other", so that the clause shall read as follows:

(*gg*) to acquire lands, with the approval of the Minister, and to use lands acquired in connection with a scheme, for park or other recreation purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

R.S.O. 1950,  
c. 62,  
amended

4. *The Conservation Authorities Act* is amended by adding thereto the following section:

Access  
roads to  
parks, etc.,  
of  
conservation  
authority

15a.—(1) A conservation authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the conservation authority used or to be used for park or recreation purposes.

Jurisdiction  
over roads

(2) A road constructed, reconstructed or maintained under an agreement made under subsection 1 remains under the jurisdiction of the municipality.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Conservation Authorities Amendment Act, 1960*.

## CHAPTER 12

### An Act to facilitate Cornea Transplants from the Bodies of Deceased Persons to Living Persons

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "person lawfully in possession of the body" <sup>Interpre-</sup>  
does not include, <sup>tation</sup>

- (a) a coroner in possession of a body for the purpose of investigation; or
- (b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

**2.** Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital, or the person acting in that capacity, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose. <sup>Removal of eyes on deceased's request, death in hospital</sup>

**3.** Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose. <sup>Idem, death outside hospital</sup>

Removal  
of eyes  
without  
deceased's  
request

4. Where a person has not made a request under section 2 or 3 and dies either in or outside a hospital, his spouse or, if none, any of this children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Authority  
sufficient

5. An authority given under section 2, 3 or 4 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Exception

6.—(1) An authority shall not be given under section 2 or 3 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

Idem

(2) An authority shall not be given under section 4 if the person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

Idem

7. An authority shall not be given under section 2, 3 or 4 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Lawful  
dealings  
not  
affected

8. Nothing in this Act makes unlawful any dealing with the body of a deceased person that would be lawful if this Act had not been passed.

Short title

9. This Act may be cited as *The Cornea Transplant Act, 1960*.



## CHAPTER 13

## An Act to amend The Corporations Act, 1953

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act, 1953* is amended by adding thereto <sup>1953, c. 19, amended</sup> the following section:

289a.—(1) Notwithstanding this or any other Act or law, <sup>Social clubs, change of premises</sup> no corporation that has objects in whole or in part of a social nature, other than a corporation commonly known as a service club, shall change the location of any of its premises without the prior consent in writing of the Provincial Secretary.

(2) The giving of the consent mentioned in subsection 1 <sup>Idem</sup> is in the discretion of the Provincial Secretary.

2. Section 352 of *The Corporations Act, 1953*, as amended <sup>1953, c. 19, s. 352,</sup> by section 21 of *The Corporations Amendment Act, 1955*, is <sup>re-enacted</sup> repealed and the following substituted therefor:

352. Every extra-provincial corporation having a licence <sup>Power to hold land</sup> under this Part or a predecessor of this Part, and every extra-provincial corporation exempted under subsection 1 of section 344 from this Part, has power, subject to its Act or instrument of incorporation, to acquire by purchase, lease or otherwise, to hold, to mortgage, to sell, to alienate and to convey any land or interest therein in Ontario necessary for its actual use and occupation or for carrying on its undertaking.

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

4. This Act may be cited as *The Corporations Amendment* <sup>Short title</sup> *Act, 1960*.



## CHAPTER 14

## An Act to amend The Corporations Tax Act, 1957

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 1 of *The Corporations Tax Act*, 1957, c. 17, s. 1, subs. 1, 1957 is amended by adding thereto the following paragraph: amended

1a. "annuity payment" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise.

**2.** Section 2 of *The Corporations Tax Act*, 1957, as amended 1957, c. 17, s. 2, by section 2 of *The Corporations Tax Amendment Act*, 1958, is amended further amended by adding thereto the following subsection:

(10) A corporation has a permanent establishment in the Idem place designated in its charter or by-laws as being its head office.

**3.—**(1) Clause *a* of subsection 28d of section 4 of *The Corporations Tax Act*, 1957, c. 17, as enacted by subsection 3 of 1957, c. 17, s. 4, subs. 28d section 3 of *The Corporations Tax Amendment Act*, 1958, is (1958, c. 16, s. 3, subs. 3), amended by striking out "9" in the third and seventeenth cl. a, lines respectively and inserting in lieu thereof "10". amended

(2) Clause *b* of subsection 28d of the said section 4, as 1957, c. 17, s. 4, subs. 28d enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act*, 1958, is amended by striking out "9" (1958, c. 16, s. 3, subs. 3) in the third and sixteenth lines respectively and inserting in cl. b, amended lieu thereof "10".

(3) Subsection 30 of the said section 4 is amended by 1957, c. 17, s. 4, subs. 30, striking out "this section" in the first line and inserting in amended lieu thereof "subsection 29".

1957, c. 17,  
s. 6, subs. 1a  
(1958, c. 16,  
s. 5),  
amended

4. Subsection 1a of section 6 of *The Corporations Tax Act*, 1957, as enacted by section 5 of *The Corporations Tax Amendment Act*, 1958, is amended by striking out "or which merely holds a charter that designates the head office of the corporation as being in Ontario" in the fifth, sixth and seventh lines.

1957, c. 17,  
s. 23, subs. 1,  
amended

5.—(1) Subsection 1 of section 23 of *The Corporations Tax Act*, 1957, as amended by subsections 1 and 2 of section 8 of *The Corporations Tax Amendment Act*, 1958, is further amended by adding thereto the following clauses:

Share  
transfer  
and other  
fees

(cc) an amount payable in the fiscal year as a fee for services rendered by a person as a registrar of or agent for the transfer of shares of the capital stock of the corporation or as an agent for the remittance to shareholders of the corporation of dividends declared by it;

Idem

(ccc) an amount payable in the fiscal year as a fee to a stock exchange for the listing of shares of the capital stock of the corporation;

Idem

(cccc) an expense incurred in the fiscal year in the course of printing and issuing a financial report to shareholders of the corporation or to any other person entitled by law to receive such report.

1957, c. 17,  
s. 23, subs. 1,  
cl. j,  
amended

(2) Clause *j* of subsection 1 of the said section 23 is amended by striking out "benefit" in the third line and inserting in lieu thereof "benefits".

1957, c. 17,  
s. 23,  
amended

(3) The said section 23, as amended by section 8 of *The Corporations Tax Amendment Act*, 1958 and section 4 of *The Corporations Tax Amendment Act*, 1959, is further amended by adding thereto the following subsection:

Uncollect-  
able portions  
of proceeds  
of disposition  
of property

(13) Where an amount that is owing to a corporation as or on account of the proceeds of disposition of depreciable property of the corporation of a prescribed class as determined for the purpose of section 32 is established by the corporation to have become a bad debt in a fiscal year, there may be deducted in computing its income for the fiscal year the lesser of,

(a) the amount so owing to the corporation; or

(b) the amount, if any, by which the capital cost to the corporation of that property, as determined for the purpose of section 32, exceeds

the aggregate of the amounts, if any, realized by the corporation on account of the proceeds of disposition.

**6.**—(1) Subsection 1 of section 26 of *The Corporations Tax Act, 1957* is repealed. 1957, c. 17, s. 26, subs. 1, repealed

(2) The said section 26 is amended by adding thereto the following subsection: 1957, c. 17, s. 26, amended

(2a) Notwithstanding subsection 2, for the purpose of <sup>Idem</sup> computing income for a fiscal year, the property described in an inventory at the commencement of the year shall be valued at the same amount as the amount at which it was valued at the end of the immediately preceding fiscal year in computing the income of the corporation for that preceding fiscal year.

**7.**—(1) Clause *a* of subsection 4 of section 32 of *The Corporations Tax Act, 1957*, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. a, re-enacted

(a) “depreciable property” of a corporation as of any time in a fiscal year means property in respect of which the corporation has been allowed or is entitled to a deduction under the regulations made pursuant to clause *a* of subsection 1a of section 23 in computing income for that or a previous fiscal year.

(2) Clause *d* of subsection 4 of the said section 32, as amended by subsection 3 of section 13 of *The Corporations Tax Amendment Act, 1958*, is repealed and the following substituted therefor: 1957, c. 17, s. 32, subs. 4, cl. d, re-enacted

(d) “total depreciation” allowed to a corporation before any time for property of a prescribed class means the aggregate of all amounts allowed to the corporation in respect of property of that class under the regulations made pursuant to clause *a* of subsection 1a of section 23 in computing income for the fiscal years before that time.

(3) Clause *e* of subsection 4 of the said section 32 is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 32, subs. 4, cl. e, amended

(e) “undepreciated capital cost” to a corporation of depreciable property of a prescribed class as of any time means the capital cost to the corporation of

depreciable



depreciable property of that class acquired before that time minus the aggregate of,

. . . . .

1957, c. 17,  
s. 37,  
amended

**8.** Section 37 of *The Corporations Tax Act, 1957*, as amended by section 13 of *The Corporations Tax Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Idem

- (4) Clause *c* of subsection 1 applies to require a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, the same part of the loss sustained by it in another fiscal year as is deducted by it under clause *e* of subsection 1 of section 27 of the *Income Tax Act* (Canada) in computing its taxable income under that Act for the same fiscal year.

R.S.C. 1952,  
c. 148

1957, c. 17,  
s. 39, cl. *d*,  
re-enacted

**9.** Clause *d* of section 39 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

- (*d*) gifts made out of the shareholders' account by the corporation in the fiscal year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the fiscal year 10 per cent of the amount so credited or appropriated minus the amounts described by clauses *a* and *b*.

1957, c. 17,  
amended

**10.** *The Corporations Tax Act, 1957* is amended by adding thereto the following section:

Conversion  
of provincial  
life insurance  
corporation  
into mutual  
corporation

**41a.** Where a corporation that is incorporated under the laws of a province with authority to transact the business of life insurance has applied an amount in payment for shares of the corporation purchased by it under the authority of the law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

- (*a*) section 20 does not apply to require the inclusion in computing the income of a shareholder of the corporation of any part of that amount; and
- (*b*) no part of that amount shall be deemed, for the purposes of section 39, to have been credited to shareholders' account or otherwise appropriated for or on account of shareholders or, for the purposes of section 51, to have been received as a dividend.

**11.** Clause *c* of subsection 2 of section 42 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor: 1957, c. 17, s. 42, subs. 2, cl. c, re-enacted

- (c) not more than 10 per cent of its gross revenue was derived from rents, hire of chattels or charterparty fees or remunerations.

**12.** Section 43 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection: 1957, c. 17, s. 43, amended

- (5) This section does not apply to exempt a corporation from tax under section 4 or 5 for a fiscal year ending after the 9th day of April, 1959, hereinafter in this subsection referred to as a "particular taxation year", unless, Application of section

- (a) in the case of a corporation that had a fiscal year ending before 1959, the corporation was during its last fiscal year ending before 1959 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation;

- (b) in the case of a corporation incorporated on or before the 9th day of April, 1959, that did not have a fiscal year ending before 1959, the corporation was during its first fiscal year ending after 1958 and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation; or

- (c) in the case of a corporation that had a fiscal year ending on or before the 9th day of April, 1959, the corporation was during the fiscal year in which that date occurred and each subsequent fiscal year, if any, previous to the particular taxation year, a foreign business corporation, and had during that part of its fiscal year in which that date occurred that was before the 10th day of April, 1959, business operations that complied with one of the conditions contained in clause *b* of subsection 2.

**13.—**(1) Clause *d* of subsection 1 of section 57 of *The Corporations Tax Act, 1957* is amended by striking out the first five lines and inserting in lieu thereof the following: 1957, c. 17, s. 57, subs. 1, cl. d, amended

- (d) where an amount has been included in computing the income of a corporation from its business for

the

the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable until a day,

. . . . .

1957, c. 17,  
s. 57, subs. 1,  
cl. e,  
re-enacted

(2) Clause *e* of subsection 1 of the said section 57 is repealed and the following substituted therefor:

(*e*) there shall be included the amounts deducted under clauses *c* and *d* in computing the income of the corporation for the immediately preceding fiscal year.

1957, c. 17,  
s. 60, subs. 1,  
amended

**14.** Subsection 1 of section 60 of *The Corporations Tax Act, 1957*, as amended by section 26 of *The Corporations Tax Amendment Act, 1958* and section 19 of *The Corporations Tax Amendment Act, 1959*, is further amended by striking out "may" in the third line and inserting in lieu thereof "shall".

1957, c. 17,  
s. 61*a* (1959,  
c. 20, s. 21),  
subs. 2,  
rule 4,  
cl. b,  
re-enacted

**15.** Clause *b* of rule 4 of subsection 2 of section 61*a* of *The Corporations Tax Act, 1957*, as enacted by section 21 of *The Corporations Tax Amendment Act, 1959*, is repealed and the following substituted therefor:

(*b*) in determining the undepreciated capital cost to the new corporation of depreciable property of a prescribed class at any time,

(i) there shall be added to the capital cost to the new corporation of depreciable property of that class acquired before that time the undepreciated capital cost to each of the predecessor corporations of depreciable property of that class immediately before the amalgamation, and

(ii) there shall be subtracted from the capital cost to the new corporation of depreciable property of that class acquired before that time the capital cost to the new corporation of depreciable property of that class acquired by virtue of the amalgamation.

1957, c. 17,  
s. 61*b* (1959,  
c. 20, s. 22),  
cl. a,  
subcl. 1,  
re-enacted

**16.** Subclause i of clause *a* of section 61*b* of *The Corporations Tax Act, 1957*, as enacted by section 22 of *The Cor-*

*porations*

*porations Tax Amendment Act, 1959*, is repealed and the following substituted therefor:

- (i) the amount by which its tax under Part II of this Act would be increased by including in computing its income,

(A) the payment, and

- (B) the amount by which its tax under Part I of the *Income Tax Act* (Canada) would be increased by including the payment in computing its income, and

R.S.C. 1952,  
c. 148

. . . . .

**17.** Section 64 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

1957, c. 17,  
s. 64,  
amended

- (3) In computing the paid-up capital of a non-resident corporation for a fiscal year, there shall not be included the amount of the paid-up capital invested in a ship or aircraft operated by such corporation in Canada if such corporation is entitled, in computing its income for a fiscal year, to exclude the income for the fiscal year earned in Canada from the operation of such ship or aircraft under clause *b* of section 22.

Ship or  
aircraft  
of non-  
resident  
corporation,  
amounts  
not  
included  
in computing  
paid-up  
capital

**18.** Subsection 1 of section 74 of *The Corporations Tax Act, 1957* is repealed and the following substituted therefor:

1957, c. 17,  
s. 74, subs. 1,  
re-enacted

- (1) A corporation that objects to an assessment under this Act may within ninety days from the day of mailing of the notice of assessment serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice of  
objection

**19.** Section 81 of *The Corporations Tax Act, 1957* is amended by adding thereto the following subsection:

1957, c. 17,  
s. 81,  
amended

- (4a) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation

Production  
of evidence  
to prove tax  
payable by  
another  
corporation



or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any corporation and production thereof shall be made within such reasonable time as may be stipulated in such registered letter or demand.

Confirmation  
of interest  
payable

**20.**—(1) Section 70 of *The Corporations Tax Act, 1957* as it read before subsection 6 thereof was re-enacted by section 23 of *The Corporations Tax Amendment Act, 1959* applies to the tax payable by a corporation for its fiscal year ending in 1957 notwithstanding that portions of such tax were levied pursuant to *The Corporations Tax Amendment Act, 1958* and *The Corporations Tax Amendment Act, 1959*.

Exception

(2) Notwithstanding subsection 1, where the tax payable by a corporation for its fiscal year ending in 1957 was greater than it would have been if subsection 28*d* of section 4 of *The Corporations Tax Act, 1957* had not been enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1958* and had not been amended by subsection 4 of section 1 of *The Corporations Tax Amendment Act, 1959*, the amount of the interest and penalty interest that accrued under section 70 of *The Corporations Tax Act, 1957* on unpaid portions of the final tax payable by such corporation for its fiscal year ending in 1957 shall be calculated from the dates on which portions of such tax were payable in accordance with section 69 and pursuant to the confirmation of such interest and penalty interest under subsection 1 to the date of payment or the 26th day of May, 1959, whichever is the earlier date, and two-thirds of such amount shall be credited to the corporation.

Application  
of this Act

**21.**—(1) Sections 1 and 2, subsection 3 of section 3, section 4, subsections 1 and 2 of section 5 and sections 8, 14, 16 and 17 apply in respect of the fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsection 2 of section 6, section 9 and subsection 1 of section 13 apply in respect of the fiscal years of corporations ending in 1958 and in respect of subsequent fiscal years.

Idem

(3) Section 10 applies in respect of amounts applied after 1958.

Idem

(4) Subsection 3 of section 5 and subsection 2 of section 13 apply in respect of the fiscal years of corporations ending in 1959 and in respect of subsequent fiscal years.



(5) In the case of a corporation the fiscal year of which <sup>Idem</sup> ending in 1960 does not coincide with the calendar year, the amount of the reduction or the increase in the deduction provided by subsection 2 of section 4 of *The Corporations Tax Act, 1957*, as referred to in subsection 28*d* of the said section 4, shall be the aggregate of two amounts calculated as follows:

- (a) in respect of the portion of such fiscal year that is in the calendar year 1959 as though the said subsection 28*d* of section 4 had not been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1960 bears to 365; and
- (b) in respect of the portion of such fiscal year that is in the calendar year 1960 as though the said subsection 28*d* of section 4 had been amended by subsections 1 and 2 of section 3 of this Act and applied for the whole fiscal year ending in 1960, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1959 bears to 365.

(6) Except as provided by subsection 5, subsections 1 and 2 <sup>Idem</sup> of section 3 and section 11 apply in respect of the fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

**22.** Part I of Ontario Regulations 219/57, as made by <sup>Regulations</sup> regulation 1 of Ontario Regulations 233/59, is revoked. <sup>revoked</sup>

**23.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**24.** This Act may be cited as *The Corporations Tax* <sup>Short title</sup> *Amendment Act, 1960*.



## CHAPTER 15

## An Act to amend The County Courts Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The County Courts Act* is amended by R.S.O. 1950, striking out "town" in the third line, so that the section shall <sup>c. 75, s. 6,</sup> amended read as follows:

6. The clerk shall keep his office in the court house or, <sup>Place of</sup> if there is no room available therein, at such place <sup>office</sup> in the county or district as the judge may direct.

2. Section 16 of *The County Courts Act* is amended by R.S.O. 1950, striking out "\$7" in the second line and inserting in lieu <sup>c. 75, s. 16,</sup> amended thereof "\$10", so that the section shall read as follows:

16. The clerk shall be entitled to be paid by the county <sup>Clerk's fees</sup> the sum of \$10 for each day's attendance at all <sup>for</sup> sittings of the county court, both non-jury and jury. <sup>attendance</sup>

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

4. This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> Act, 1960.



## CHAPTER 16

## An Act to amend The County Judges Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 10 of *The County Judges Act*, R.S.O. 1950, c. 76, s. 10, as re-enacted by section 3 of *The County Judges Amendment* subs. 2 (1957, c. 19, s. 3), is repealed and the following substituted therefor: re-enacted

- (2) In addition to the allowance provided in subsection 1, Additional allowance to surrogate judge there shall be paid to the judge of a county or district court of a county or district in which there is only one judge and he is the judge of the surrogate court an allowance of 40 per cent of the judge's fees under *The Surrogate Courts Act*, but in no case shall such allowance exceed \$2,000 in any year.

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-ment

**3.** This Act may be cited as *The County Judges Amendment* Short title Act, 1960.





## CHAPTER 17

**An Act to amend The Crown Attorneys Act**

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 15 of *The Crown Attorneys Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 81, s. 15,  
amended

(gg) providing for the safe-keeping, inspection and destruction of books, documents and papers of Crown attorneys.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Crown Attorneys Amendment Act, 1960*. Short title



## CHAPTER 18

**An Act to amend  
The Crown Timber Act, 1952**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Crown Timber Act, 1952* is repealed and the following substituted therefor: 1952, c. 15,  
s. 1, cl. b,  
re-enacted

(b) "Crown timber" means timber on public lands or timber that is the property of the Crown under the management of the Minister on lands other than public lands.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Crown Timber Amendment Act, 1960*. Short title





## CHAPTER 19

## The Crown Witnesses Act, 1960

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "trial" means a trial at a sittings of the Supreme Court, a court of general sessions of the peace, a county or district court judges' criminal court, or a magistrate's court for the summary trial of indictable offences under the *Criminal Code* (Canada), and includes a preliminary inquiry and proceedings before a grand jury. R.S.O. 1950, c. 83, s. 1, *amended*. <sup>Interpretation 1953-54, c. 51 (Can.)</sup>

**2.—(1)** The Crown attorney may grant to a person who attends at the instance of the Crown to give evidence at a trial an order for the payment of such sum as witness fees and allowances as he deems proper, but, subject to section 3, not more than is provided for in the Schedule. R.S.O. 1950, c. 83, s. 2 (1), *part, amended*. <sup>Fees, etc.</sup>

**(2)** The Crown attorney, with the approval of the presiding judge or magistrate, may include in an order such sum, in addition to the witness fees and allowances, as he deems reasonable and sufficient to compensate the witness for doing any work in preparation for the trial or preparing any document or article for use at the trial. R.S.O. 1950, c. 83, s. 2 (2), *amended*. <sup>Additional compensation</sup>

**3.** The Attorney General may increase the sum ordered to be paid so that the witness will be reasonably compensated for his attendance at the trial and he may order that a special fee be paid to an expert witness. R.S.O. 1950, c. 83, s. 2 (1), *part, (3), amended*. <sup>Special fee</sup>

**4.** Where a bill of indictment has not been preferred or where a trial has not been proceeded with, sections 2 and 3 apply, if in the opinion of the Crown attorney a person attended the court in obedience to a recognizance or subpoena or at the instance of the Crown. R.S.O. 1950, c. 83, s. 3, *amended*. <sup>Where no indictment preferred or trial had</sup>

Order, to  
whom  
directed

5. The order shall be directed to the treasurer of the county in which the offence was committed or was alleged to have been committed, or, if the offence was committed or was alleged to have been committed in a city or in a separated town, the order shall be directed to the treasurer of the city or town. R.S.O. 1950, c. 83, s. 5, *amended*.

Payment  
by the  
treasurer

6. The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to each of the witnesses named the amount stated, on his signing a receipt therefor in person. R.S.O. 1950, c. 83, s. 6, *amended*.

Payment by  
a treasurer  
on whom  
order is not  
made

7. Where the trial took place in a county other than the county in which the offence was committed, the treasurer of the county in which the trial took place, if applied to by a witness with an order of the Crown attorney of that county, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer of the county in which the offence was committed or was alleged to have been committed. R.S.O. 1950, c. 83, s. 7.

Change of  
venue

8. In cases sent from a provisional judicial district for trial in a county, the fees and allowances of the witnesses paid under this Act shall be repaid in full out of the moneys appropriated by the Legislature for the administration of justice. R.S.O. 1950, c. 83, s. 9, *amended*.

Idem

9. The fees and allowances authorized by this Act shall be paid out of the moneys appropriated by the Legislature for the administration of justice to witnesses attending a sitting of any court held in a provisional judicial district. R.S.O. 1950, c. 83, s. 10, *amended*.

Fee to  
Crown  
attorney

10. The Crown attorney is entitled to receive from the county in which the court is held a fee of \$1 in respect of every trial on which a witness attends, which sum shall be over and above his other costs and charges and shall cover the costs, charges and expenses of and incidental to the making of an order under this Act. R.S.O. 1950, c. 83, s. 12 (1).

Witness  
fees, etc.,  
payable on  
prosecution  
of claims,  
etc., by Her  
Majesty

11. In the case of an information, action, or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled for the use of Ontario, the witnesses are entitled to be paid the like witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1950, c. 83, s. 13.

**12.** Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and the taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1950, c. 83, s. 15, *amended*. Where evidence taken by commission

**13.** A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he attends as a witness. R.S.O. 1950, c. 83, s. 14. Fees, etc., not payable in advance

**14.** *The Crown Witnesses Act, The Crown Witnesses Amendment Act, 1956, The Crown Witnesses Amendment Act, 1957 and The Crown Witnesses Amendment Act, 1959* are repealed. R.S.O. 1950, c. 83; 1956, c. 15; 1957, c. 22; 1959, c. 24, repealed

**15.** This Act comes into force on the 1st day of April, 1960. Commencement

**16.** This Act may be cited as *The Crown Witnesses Act, 1960*. Short title

## SCHEDULE

(Section 2 (1) )

## WITNESS FEES AND ALLOWANCES

- |  |      |
|--|------|
| 1. Attending trial, each day.....  | \$ 6 |
| Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day.....                            |      |
|  | 15   |
| Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day..... |      |
|  | 15   |
2. Where a witness travels by private automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place of trial, but where the trial is held in the city or town in which the witness resides, 75 cents.  
  
The distance travelled shall be ascertained by the certificate of the Crown attorney.
  3. Where a witness travels by a means other than private automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the trial is held and return.
  4. Where a witness is required to attend the trial on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 2 or 3, as the case may be, is payable in respect of each day's attendance.
  5. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain overnight at the place at which the trial is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

1959, c. 24, s. 1, *amended*.

## CHAPTER 20

## An Act to amend The Day Nurseries Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Day Nurseries Act*, as R.S.O. 1950, amended by section 1 of *The Day Nurseries Amendment Act*, <sup>c. 88, s. 1,</sup> 1951, is repealed and the following substituted therefor: <sup>cl. a,</sup> re-enacted

(a) "day nursery" means any institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under seven years of age and not attending the first grade of school and not of common parentage, but does not include a nursery school or kindergarten conducted,

(i) as part of a public school under *The Public* <sup>R.S.O. 1950,</sup> *Schools Act* or a separate school under *The* <sup>cc. 316, 356</sup> *Separate Schools Act*, or

(ii) as part of a school, college, academy or other educational institution that is giving instruction equivalent to that given in grades 1 to 8, both inclusive, in a public or separate school.

**2.** Section 4 of *The Day Nurseries Act* is amended by <sup>R.S.O. 1950,</sup> adding thereto the following clause: <sup>c. 88, s. 4,</sup> amended

(bb) prescribing the fee payable by an applicant for a licence or renewal of a licence.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Day Nurseries Amendment* <sup>Short title</sup> *Act, 1960.*





## CHAPTER 21

**An Act to provide for  
Disposal of Dead Animals**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "collector" means a person engaged in the business of collecting dead animals and fallen animals;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "dead animal" means any horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter;
- (d) "fallen animal" means any horse, goat, sheep, swine or head of cattle that has been disabled by disease, emaciation or other condition that is likely to cause death;
- (e) "inspector" means an inspector appointed under this Act;
- (f) "Minister" means the Minister of Agriculture;
- (g) "receiving plant" means premises to which dead animals are delivered for the purpose of obtaining the hide, skin, fats, meat or other product of the dead animals or sale or delivery of the dead animals or any parts thereof to a rendering plant;
- (h) "rendering plant" means premises at which dead animals are processed into hides, meat, bone meal, meat meal or inedible fats;
- (i) "slaughter" means slaughter for the purpose of processing into food for human consumption.

Application	<b>2.</b> This Act does not apply to, <ul style="list-style-type: none"><li>(a) establishments operating under the <i>Meat Inspection Act</i> (Canada); and</li><li>(b) dead animals or carcasses thereof while held for post mortem examination, investigation, loss adjustment or other purpose.</li></ul>
1955, c. 36 (Can.)	
Responsi- bility of owner	<b>3.</b> —(1) The owner of every dead animal or carcass or part thereof shall dispose of it within forty-eight hours of the death of the animal, <ul style="list-style-type: none"><li>(a) by burying with a covering of at least two feet of earth; or</li><li>(b) by the services of a person licensed under this Act and the regulations.</li></ul>
Fallen animals	(2) The owner of every fallen animal shall kill it in a humane manner and dispose of it in accordance with subsection 1.
Slaughter prohibited	<b>4.</b> —(1) No person shall slaughter animals at a receiving plant or a rendering plant.
Collector	(2) No collector shall give, sell or deliver any dead animal to any person other than the holder of a licence under this Act.
Processing or storing meats	(3) No person shall process or store meat or products made therefrom for human consumption at a receiving plant or rendering plant.
Licensing	<b>5.</b> No person shall engage in the business of a collector or operator of a receiving plant or operator of a rendering plant without a licence therefor from the Commissioner.
Conditions of licence	<b>6.</b> Every licence is subject to the conditions that the holder of the licence, <ul style="list-style-type: none"><li>(a) maintains in good mechanical and sanitary condition all vehicles, premises and equipment used in the collecting and handling of dead animals and the disposing of the carcasses and parts thereof;</li><li>(b) takes all reasonable precautions to prevent spread of any disease that caused the deaths of the animals; and</li><li>(c) complies with this Act and the regulations and any other conditions that are imposed by the regulations.</li></ul>

**7.—**(1) Every collector shall make and keep for at least <sup>Records</sup> twelve months a record of the dead animals he collects and the disposal thereof as prescribed in the regulations.

(2) Every operator of a receiving plant shall make and keep <sup>Idem</sup> for at least twelve months a record of the dead animals he receives and of the disposal thereof as prescribed in the regulations.

(3) Every operator of a rendering plant shall make and <sup>Idem</sup> keep for at least twelve months a record of the dead animals he receives at the plant as prescribed in the regulations.

**8.—**(1) The Minister may appoint a chief inspector and <sup>Inspectors</sup> one or more inspectors to carry out and enforce the provisions of this Act and the regulations.

(2) The production by an inspector of a certificate of his <sup>Certificate of appointment</sup> appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

(3) The Commissioner or an inspector may enter any <sup>Powers</sup> premises or building for the purpose of carrying out his duties.

**9.** No person shall hinder or obstruct an inspector in the <sup>Obstruction of inspectors</sup> course of his duties or furnish him with false information, or refuse to furnish him with information.

**10.** Every person who fails to comply with or contravenes <sup>Penalty</sup> any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500 or to imprisonment for a term of not more than thirty days.

**11.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences and prescribing the fees payable for licences or the renewal thereof;
- (b) prescribing conditions for licensing additional to those mentioned in section 6;
- (c) prescribing the duties of inspectors;

(d)

- (d) prescribing the manner in which vehicles and premises used in the collecting and handling of dead animals shall be cleaned, disinfected and maintained;
- (e) respecting the transportation of dead animals and products obtained therefrom;
- (f) respecting the facilities and equipment to be provided and maintained at receiving plants and rendering plants;
- (g) respecting advertising by any person licensed under this Act;
- (h) providing for the labelling of products obtained from dead animals or parts thereof;
- (i) providing for the disposition of dead animals or any class of them and any parts thereof;
- (j) prescribing the records to be made and kept by collectors and by operators of receiving plants and rendering plants;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**13.** This Act may be cited as *The Dead Animal Disposal Act, 1960*.

## CHAPTER 22

## An Act to amend The Department of Education Act, 1954

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of subsection 1 of section 12 of *The Department of Education Act, 1954* is amended by inserting after "teacher" where it occurs the second time in the third line "or an itinerant teacher", so that the clause shall read as follows:

1954, c. 20,  
s. 12, subs. 1,  
cl. *j*,  
amended

(*j*) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract.

**2.** Section 15 of *The Department of Education Act, 1954* is amended by adding thereto the following subsection:

1954, c. 20,  
s. 15,  
amended

(2*a*) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school.

Additional  
schools

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Department of Education Amendment Act, 1960*.

Short title





## CHAPTER 23

**An Act to amend  
The Department of Highways Act, 1957**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Department of Highways Act, 1957* is repealed and the following substituted therefor: 1957, c. 24,  
s. 3,  
re-enacted

**3.** The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. Adminis-  
tration of  
Acts

**2.** This Act may be cited as *The Department of Highways Amendment Act, 1960*. Short title



## CHAPTER 24

## An Act to amend The Department of Labour Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Department of Labour Act*, as amended by section 2 of *The Department of Labour Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 95, s. 5,  
re-enacted

5. The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. Adminis-  
tration of  
Acts

**2.** Subsection 1 of section 10 of *The Department of Labour Act* is amended by adding at the end thereof "and may make regulations providing for and prescribing the fees to be paid for inspection services furnished in connection with any work mentioned in this subsection", so that the subsection shall read as follows: R.S.O. 1950,  
c. 95, s. 10,  
subs. 1,  
amended

(1) The Minister, with the approval of the Lieutenant Governor in Council, may make such regulations as may be deemed necessary for the safety and protection of persons engaged, Regulations  
for pro-  
tection of  
workmen

(a) on work in the construction of which men are employed in compressed air;

(b) in the construction of tunnels and open caisson work;

(c) in the construction of coffer dams and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life,

and may make regulations providing for and prescribing the fees to be paid for inspection services

furnished

furnished in connection with any work mentioned in this subsection.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Labour Amendment Act, 1960*.

## CHAPTER 25

**An Act to amend  
The Department of Public Welfare Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Department of Public Welfare Act* is R.S.O. 1950,  
c. 98, s. 3,  
re-enacted repealed and the following substituted therefor:

3. The Minister is responsible for the administration Administra-  
tion of Acts of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council.

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1960*. Short title





## CHAPTER 26

**An Act to amend  
The Devolution of Estates Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Devolution of Estates Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 103,  
amended

- 11a.—(1) The real and personal property of every woman dying intestate and leaving a widower whether or not she leaves issue shall, where the net value of such real and personal property does not exceed \$5,000, belong to her widower absolutely and exclusively. Widower's  
preferential  
share where  
estate does  
not exceed  
\$5,000
- (2) Where the net value exceeds \$5,000, the widower is entitled to \$5,000 part thereof, absolutely and exclusively, and has a charge thereon for such sum with interest thereon from the date of the death of the intestate at 4 per cent per annum until payment. Where  
estate  
exceeds  
\$5,000
- (3) The provision for the widower made by this section is in addition and without prejudice to his interest and share in the residue of the real and personal property of the intestate remaining after payment of such sum of \$5,000 and interest in the same way as if such residue had been the whole of the intestate's real and personal property and this section had not been enacted. Widower's  
share in  
remainder  
of estate
- (4) This section applies only where the husband has not elected under section 28 to take such interest in the real and personal property of his wife as he would have taken if this Act had not been passed. Application
- (5) In this section, "net value" means the value of the real and personal property after payment of the Interpre-  
tation

charges

charges thereon and the debts, funeral expenses and expenses of administration, including succession duty.

R.S.O. 1950, **2.** Subsection 1 of section 28 of *The Devolution of Estates*  
c. 103,  
s. 28, subs. 1, *Act* is amended by adding at the commencement thereof  
amended "Subject to section 11a".

Short title **3.** This Act may be cited as *The Devolution of Estates*  
*Amendment Act, 1960.*

CHAPTER 27

An Act to amend The Division Courts Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 106,  
amended

161a. Notwithstanding subsection 1 of section 161, where a judgment is transferred under subsection 3 of section 129 and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order, but only to the extent of \$200. Addition of  
Supreme  
and county  
court  
judgments to  
consolidation  
orders

2. This Act may be cited as *The Division Courts Amendment Act, 1960*. Short title



## CHAPTER 28

**An Act to amend  
The Elevators and Lifts Act, 1953**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 2 of section 26 of *The Elevators and Lifts Act, 1953* is repealed. 1953, c. 33,  
s. 26, subs. 2,  
repealed
- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
- 3.** This Act may be cited as *The Elevators and Lifts Amendment Act, 1960*. Short title





## CHAPTER 29

## The Employment Agencies Act, 1960

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "employment agency" means the business of procuring for a fee, reward or other remuneration,

(i) persons for employment, or

(ii) employment for persons,

and includes the business of counselling or testing persons for a fee, reward or other remuneration to assist them in securing employment;

(b) "licence" means a licence under this Act;

(c) "regulations" means the regulations made under this Act;

(d) "supervisor" means the supervisor of employment agencies.

**2.** No person shall carry on an employment agency unless <sup>Licence</sup>licensed so to do by the supervisor. <sub>required</sub>

**3.** Where an applicant,

Issue of  
licence

(a) applies in the prescribed form;

(b) pays the prescribed fee;

(c) furnishes such security as is prescribed by the regulations; and

(d)

(d) complies with the qualifications prescribed by the regulations,

the supervisor, if satisfied that the applicant is worthy of public confidence, may issue a licence to the applicant to carry on an employment agency of the class described in the licence.

Term of  
licence

**4.** A licence expires on the 31st day of March next following its date of issue, unless it is sooner suspended or revoked.

Branches,  
etc.

**5.** Where an employment agency is carried on in or from more than one place of business, a separate licence shall be obtained in respect of each place of business.

Refusal to  
issue,  
suspension,  
etc.

**6.—(1)** The supervisor, after a hearing, may refuse to issue or may suspend or revoke a licence if satisfied that the applicant or licensee, as the case may be, is in breach of this Act or the regulations or for any other reason is not worthy of public confidence.

Notice of  
revocation,  
etc., of  
licence

(2) Where the supervisor refuses to issue or suspends or revokes a licence, he shall send notice of the refusal, suspension or revocation to the applicant or licensee, as the case may be, by registered mail addressed to him at his last known address.

Appeal

(3) If the applicant or licensee, as the case may be, is dissatisfied with the decision of the supervisor, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he intended to carry on or carried on business for an order reversing the decision of the supervisor.

Idem

(4) On an application under subsection 3, the judge shall hold a hearing upon such notice as he deems proper and, after hearing the applicant, the supervisor and any evidence either of them produces, he may dismiss the application if he is not satisfied that the applicant is worthy of public confidence or he may order the supervisor to issue or reinstate the licence if he is satisfied that the applicant is worthy of public confidence.

Display of  
licence

**7.** Every licensee shall display his licence in a conspicuous place in the premises in which he carries on business.

Offence

**8.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$500.

**9.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the qualifications of applicants for licences;
- (b) classifying employment agencies;
- (c) prescribing the nature and amount of the security to be furnished by employment agencies or any class thereof;
- (d) limiting and prescribing the nature of the business that shall be carried on by employment agencies or any class thereof;
- (e) regulating and controlling the manner in which the business of employment agencies or any class thereof shall be carried on;
- (f) prescribing the records, books and accounts that shall be kept by employment agencies or any class thereof;
- (g) prescribing the fee, reward or other remuneration that may be charged by employment agencies or any class thereof for their services;
- (h) requiring, providing for and prescribing the annual or other returns that shall be made to the supervisor by employment agencies or any class thereof;
- (i) fixing the fees to be paid for licences for employment agencies or any class thereof;
- (j) providing for the inspection of employment agencies or any class thereof;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter or thing necessary or advisable to carry out effectively the intent and purpose of this Act.

**10.** *The Employment Agencies Act* is repealed.

R.S.O. 1950,  
c. 114,  
repealed

**11.** This Act may be cited as *The Employment Agencies Act*, 1960. Short title



## CHAPTER 30

## An Act respecting Energy

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

1. In this Act and in *The Ontario Energy Board Act, 1960*,<sup>Interpretation  
1960, c. 75</sup>
  1. "appliance" means any device using gas or fuel oil as fuel only and includes all gas or fuel oil piping, vents, tanks and controls attached or to be attached thereto, but excludes boilers and pressure vessels as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
  2. "associate" means a person, whether directly or indirectly through one or more intermediaries,
    - i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,
    - ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,
    - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;
  3. "Board" means the Ontario Energy Board;
  4. "contractor" means a person,
    - i. who carries on the business of installing, repairing or servicing appliances, or
    - ii. who sells appliances and agrees to install the same;

5. "corporation" means a person who has the authority or seeks authority to drill for or produce gas or oil or to store, distribute or manufacture gas or to transmit any hydrocarbon;
6. "Department" means the Department of Energy Resources;
7. "distributor" means a person who supplies gas to a consumer, and "distribute" and "distribution" have corresponding meanings;
8. "fuel oil" means any hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 110°F.;
9. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
10. "hydrocarbon" means any chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;
11. "inspector" means an inspector appointed under this Act;
12. "land" includes any interest in land;
13. "licence" means a licence issued under this Act;
14. "manufactured gas" means manufactured gas distributed by a public utility;
15. "Minister" means the Minister of Energy Resources;
16. "oil" means crude oil and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
17. "owner" includes a mortgagee, lessee, tenant or occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
18. "permit" means a permit issued under this Act;
19. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;
- 20.



20. "pipe line", except in Part II, means any pipe that carries any hydrocarbon;
21. "pressure vessel" means pressure vessel as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
22. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
23. "registered" means registered under this Act, and "registration" has a corresponding meaning;
24. "regulations" means the regulations made under this Act and *The Ontario Energy Board Act, 1960*; 1960, c. 75
25. "storage company" means a person engaged in the business of storing gas;
26. "transmitter" means a person who carries any hydrocarbon by line as defined in Part II other than as a producer or as a distributor, and "transmit" and "transmission" have corresponding meanings;
27. "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public;
28. "well" means a well drilled or bored for gas or oil, and includes holes drilled or bored for the testing of sub-surface structure, injection wells, wells for the disposal of waste substances and other types of service wells and wells for the storage of any hydrocarbon, but does not include wells for the extraction of salt or brine or wells for the supply of water provided that where gas or oil is encountered during any drilling or boring operation the operation thereupon becomes a well;
29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or the transmission of any hydrocarbon or the manufacture of manufactured gas.

## PART I

### REGULATION AND INSPECTION

2.—(1) The Lieutenant Governor in Council may appoint <sup>Inspectors,</sup> inspectors. <sub>appoint-</sub>  
<sub>ment</sub>

Power of  
inspectors

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

- (a) enter in or upon, take up or use any property, real or personal, at any time;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;
- (c) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and
- (d) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's  
instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written  
instructions

(5) If any person to whom an inspector gives oral instructions under subsection 4 requests that such instructions be put in writing, the inspector shall put such instructions in writing.

Not  
required  
to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty except with the written permission of the Minister.

No personal  
liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations.

Inspectors  
may tag  
works

**3.—**(1) An inspector may tag any work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being or is about to be committed by attaching a tag in the prescribed form to some part of such work or appliance.

(2) An inspector who has tagged a work or appliance shall <sup>Idem</sup> forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

(3) No person other than an inspector shall alter, deface <sup>Tag not to be removed</sup> or destroy any such tag and no person other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector shall remove any such tag.

(4) Where a tag is removed by a registered contractor, he <sup>Forward tag to inspector</sup> shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person <sup>Work not to be used</sup> shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged.

§ 4.—(1) The Lieutenant Governor in Council may appoint <sup>Chief inspectors</sup> chief inspectors.

(2) A person who has just cause to believe that to comply <sup>Appeal to chief inspector</sup> with,

(a) any instruction given under subsection 4 of section 2;  
or

(b) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal therefrom by giving oral notice thereof forthwith to a chief inspector.

(3) Such oral notice may be given by telephone. Idem

(4) The chief inspector so notified may vary, rescind or <sup>Idem</sup> confirm such instruction or instruct the removal of or compliance with such tag.

§ 5.—(1) No person shall, Prohibitions

(a) lease gas or oil rights from an owner other than the Crown; or

(b) produce gas or oil; or

(c) transmit or distribute gas; or

(d)

(d) transmit hydrocarbons other than gas; or

(e) conduct any geophysical or geochemical exploration for gas or oil; or

(f) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, provided that the failure on the part of any person to comply with this subsection shall not affect the validity of any contract.

Boring  
machine  
to be  
licensed

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed.

Permit to  
bore or  
drill

(3) No person shall bore or drill any well other than for the exploring of sub-surface structure, unless he is the holder of a permit for such purpose.

Permit to  
obtain gas

(4) Subject to the regulations, no industrial consumer shall use gas unless he is the holder of a permit for such purpose.

Gas  
appliances

(5) Subject to the regulations, no person shall buy, sell or install any appliance or have or use any portable appliance or any appliance in a trailer or any other vehicle that does not bear,

(a) the seal of approval of an organization designated in the regulations; or

(b) a label issued by the Minister.

Instal-  
lations, etc.

(6) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove any appliance, or any class or classes thereof.

Idem

(7) No person shall install or have installed any appliance that is to be supplied with gas by a distributor without first giving notice to the distributor of the address of the premises at which the installation is to be made and the type of appliance to be installed.

Inspection  
by  
distributor

(8) Where the supply of gas to a meter is turned on, no person shall use any appliance connected thereto until the distributor that supplies gas to the meter has inspected all appliances.

Idem

(9) Every distributor shall inspect at least once every three years all appliances to which it supplies gas.

(10)

(10) A distributor shall have free access, at all reasonable <sup>Idem</sup> times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance, within or without the building, or for placing meters upon any pipe or connection within or without the building as he deems expedient and for that purpose, or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe.

(11) No person who produces natural gas in Ontario or who purchases or otherwise acquires or has entered into a contract to purchase or otherwise acquire property in such natural gas in Ontario may remove any part of such natural gas, or cause it to be removed, from Ontario unless he is the holder of a permit for such purpose. <sup>Removal of natural gas from Ontario</sup>

6. Where the Lieutenant Governor in Council has declared that an emergency exists, the Minister may, notwithstanding anything in this or any other Act, make such orders as the Minister considers necessary to maintain the supply of gas to the public, or any class or classes thereof. <sup>Emergency measures</sup>

7.—(1) Every person who,

- (a) contravenes any provision of this Act or the regulations or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any gas or oil; or
- (c) tampers or interferes with any work or appliance without authority to do so; or
- (d) knowingly makes a false statement in any application, return or statement or other material required under this Act or the regulations; or
- (e) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

<sup>Offences and penalties</sup>

is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day over which the offence continues, or to imprisonment for a term of not more than one year, or to both.

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. <sup>Permission of the Minister</sup>



Powers of  
Minister as  
to licences,  
etc.

**8.**—(1) The Minister may grant or refuse to grant a licence or permit to any person and he may, in granting a licence or permit, impose such terms and conditions as he deems proper.

Registration

(2) The Minister may register or refuse to register any person under this Act or the regulations and he may, in granting any such registration, impose such terms and conditions as he deems proper.

Revocation,  
suspension,  
etc.

(3) Upon the order of the Board, the Minister shall revoke, suspend or reinstate any licence, permit or registration or grant or refuse to grant a permit to bore or drill a well in a designated gas storage area.

Notice re  
revocation or  
suspension

(4) Where a licence, permit or registration is revoked or suspended, the Minister shall notify the holder in writing at his last known address by registered mail of such revocation or suspension and the holder shall forthwith forward to the Minister his licence, permit or registration certificate.

Appeal

(5) In an appeal from any order of the Board made under this section, the Court of Appeal may consider any question of law, jurisdiction or fact.

Regulations

**9.**—(1) The Lieutenant Governor in Council may make regulations,

1. for the conservation of gas or oil;
2. prescribing areas where drilling for gas or oil is prohibited;
3. prescribing classes of hydrocarbons and classes of works and classes of corporations and classes of associates;
4. prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon;
5. regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance or any class thereof;
6. regulating the location and spacing of wells;
7. prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;
8. requiring the keeping of drilling and production samples;



9. requiring persons who drill wells to furnish reports, returns, geological and other information and samples;
10. requiring dry or abandoned wells to be plugged or replugged and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
11. prescribing the methods, equipment and materials to be used in shutting in wells;
12. regulating the repressuring, the maintenance of pressure in, or the injection of gas, oil, water or any other substance into gas or oil horizons;
13. regulating the allocation of a just and equitable share of the market demand for gas or oil to the several sources thereof and the several interests within a field or pool;
14. to provide for the designation of drainage units and requiring and regulating the joining of the various interests within a drainage unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation;
15. requiring and regulating the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation;
16. regulating the use of wells for the disposal of waste substances;
17. subject to *The Boilers and Pressure Vessels Act, 1951*<sup>1951, c. 7; R.S.O. 1950, c. 156</sup> and *The Gasoline Handling Act*, regulating the installation, use, removal, storage, handling and filling of pressure vessels for liquefied petroleum gas, and piping and attachments thereto;
18. regulating the conditions of agreements between distributors and consumers;
19. prescribing classes of appliances and regulating the types, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them;
- 20.

20. prohibiting the sale, installation or use of appliances, or any class of them;
21. designating organizations to test appliances to specifications approved by the Minister, and to indicate their approval of any such appliances by placing a seal of approval thereon;
22. subject to *The Boilers and Pressure Vessels Act, 1951* and *The Gasoline Handling Act*, regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, transmission, distribution, measurement, carriage by pipe line and consumption of any hydrocarbon, or any class of them;
23. requiring and providing for the inspection of appliances by distributors and prescribing the frequency with which and the manner in which such inspection shall be made;
24. providing for the issue of licences, permits and labels;
25. prescribing classes of contractors and requiring and providing for the registration of them, or any class of them;
26. prescribing classes of meters and requiring and providing for the registration of meters, or any class of them;
27. prescribing classes of licences, permits and labels and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made;
28. prescribing the fee payable for any licence, permit, label or registration;
29. prescribing fees to be paid by corporations, or any class of them, for the inspection of works and appliances;
30. requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;
31. requiring and providing for guarantees or other security by bond or other means that works com-

1951, c. 7;  
R.S.O. 1950,  
c. 156

menced under permit will be completed in accordance with this Act, the regulations or any order of the Board;

32. creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the fund;
33. permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of sale to expenses incurred in the doing of anything required to be done to or with such works;
34. permitting the Crown to cause anything to be done which the Board has ordered any person to do and permitting the Crown to recover expenses from such person;
35. prescribing forms and tags and providing for their use;
36. requiring and providing for the keeping of records and the making of returns, statements or reports on the drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas;
37. regulating the acquisition, preparation, transportation, distribution and use of coal, coke, lignite or wood to be used as fuel;
38. regulating the acquisition, storing, transportation, distribution, sale, processing, preparation and use of uranium;
39. exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
40. exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
41. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council

considers

considers necessary, any code and may require compliance with any code that is so adopted.

Seal of approval

(3) Any regulation may designate any organization to authorize the use of its seal of approval on any work or appliance that complies with its code.

Scope of regulations

(4) Any regulation may be general or particular in its application.

## PART II

### PIPE LINES

Interpretation

**10.** In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal.

Prerequisite to construction of line

**11.** No corporation shall construct a pipe line without first obtaining from the Board an order granting leave to construct the line under section 12.

Route map

**12.—(1)** An applicant for leave to construct a pipe line shall file with its application a map showing the general location of the proposed line and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the line is to pass.

Notice of application

(2) Notice of an application under this section shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs.

Objections

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based.

Reply

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection.

Public hearing

(5) An application under this section shall not be disposed of by the Board until after a public hearing has been held, and the hearing shall not be held until a period of at least

sixty days has elapsed after the application has been filed with the Board, except that, where no objection is filed, the Board may abridge such period.

(6) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2. Notice of hearing

(7) Where after the hearing the Board is of the opinion that the construction of the line is in the public interest, it may make an order granting leave to construct the line. Power to grant leave

(8) Leave to construct the line shall not be granted until the applicant satisfies the Board that it will offer to each land owner an agreement in a form approved by the Board. Right-of-way agreements

(9) In granting leave to construct a line, the Board may impose such terms and conditions as it considers proper. Terms and conditions

(10) When the Board has granted leave to construct a line, the corporation, through its officers, employees and agents, may enter into or upon any land lying in the intended route of the line and may make such surveys and examinations as are necessary for fixing the site of the line, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 14. Right to enter land

**13.**—(1) Where a corporation has leave to construct a pipe line under this Act or under *The Pipe Lines Act, 1958* or where a certificate has been granted under *The Gas Pipe Lines Act, 1951*, it may apply to the Board for authority to expropriate land for the purposes of the line and the Board shall thereupon set a date for the hearing of such application and such date shall be not less than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. Expropriation 1958, c. 78; 1951, c. 30

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board directs Procedure

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. Power to make order

(4) Where a corporation that has been authorized to expropriate land desires so to do, it shall register in the proper registry or land titles office, Method of expropriation

(a) a copy of the order of the Board made under subsection 3 certified by the secretary of the Board; and

(b)



- (b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf and signed by an Ontario land surveyor,

and thereupon the land vests in the corporation.

Where  
interest  
limited

(5) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so registered shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and, when so registered, the right of possession for such limited time, or such limited estate, right or interest, thereupon vests in the corporation.

Correction  
of errors

(6) In the case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be registered with the same effect as if the original plan and description had been correct.

Compensation  
1958, c. 78;  
1951, c. 30

**14.—**(1) The corporation shall make to the owner of land acquired by expropriation under this Act, or under *The Pipe Lines Act, 1958*, or under *The Gas Pipe Lines Act, 1951*, due compensation for the land and for any damages resulting from the exercise of such power.

Determination  
of  
amount

(2) No action or other proceeding lies in respect of such compensation and, failing agreement between the corporation and the owner, the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Board of  
arbitration

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Procedure

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section.

Decision

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members



fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.

(7) An appeal lies to the Ontario Municipal Board from Appeal the award of the board of arbitration.

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(9) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto. Nature of appeal R.S.O. 1950, c. 262

(10) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply. Further appeal

**15.**—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to construct the line upon, under or over a highway, utility line or ditch. Crossings with leave

(2) The procedure set forth in subsections 1 and 2 of section 13 applies *mutatis mutandis* to an application under this section. Procedure

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the corporation so to do upon such terms and conditions as it considers proper. Order

**16.** Where a corporation has acquired land for the purposes of its pipe line by agreement with the owner of the land, the corporation shall make to the owner of the land due compensation for any damages resulting from the exercise of its rights under the agreement, and, if the compensation is not agreed upon by the corporation and the owner, it shall be determined in the manner prescribed by section 14. Right to compensation for damages during construction

**17.** Where a corporation requires at any time to enter upon any land to gain access to the right of way established under this Act, *The Pipe Lines Act, 1958* or *The Gas Pipe Lines Act, 1951*, for the purpose of maintaining, repairing, renewing or removing the line or part of it, the corporation Right of entry and compensation 1958, c. 78; 1951, c. 30

has the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 14.

Board's  
decision  
final

**18.** The decision of the Board on any application to it under this Part is final and conclusive.

Nature of  
powers

**19.—**(1) The powers that may be conferred upon a corporation under this Part are not in derogation of but are in addition to the powers it may otherwise possess.

Where  
R.S.O. 1950,  
c. 320, s. 59,  
not to apply

(2) Where leave to construct a line has been granted under this Part, section 59 of *The Public Utilities Act* does not apply to such line.

Inspectors  
R.S.O. 1950,  
c. 317

**20.—**(1) One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Part.

Idem

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

Conflict

**21.—**(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality.

1958, c. 78,  
repealed

**22.** *The Pipe Lines Act, 1958* is repealed.

Commence-  
ment

**23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**24.** This Act may be cited as *The Energy Act, 1960*.

## CHAPTER 31

## An Act to amend The Evidence Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. Section 2 of *The Evidence Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 119, s. 2,  
re-enacted

2. This Act applies to all actions and other matters whatsoever respecting which the Legislature has jurisdiction. Application  
of Act

2a.—(1) Where by any Act of the Legislature or order of the Assembly an oath is authorized or directed to be administered, the oath may be administered by any person authorized to take affidavits in Ontario. Administra-  
tion of  
oaths

(2) Every court has power to administer or cause to be administered an oath to every witness who is called to give evidence before the court. by courts

2b. Where an oath or declaration is directed to be made before a person, he has power and authority to administer it and to certify to its having been made. Certification

2. Section 8 of *The Evidence Act* is amended by inserting after "any" in the fourth line "such", so that the section shall read as follows: R.S.O. 1950,  
c. 119, s. 8,  
amended

8. The parties to any proceeding instituted in consequence of adultery and the husbands and wives of such parties shall be competent to give evidence in such proceeding; provided that no witness in any such proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she is guilty of adultery unless such witness has already given evidence in the same proceeding in disproof of his or her alleged adultery. Evidence in  
proceedings  
in conse-  
quence of  
adultery

R.S.O. 1950,  
c. 119, s. 10,  
amended

3. Section 10 of *The Evidence Act* is amended by striking out "to be applied for before the examination of any of such witnesses" in the fifth and sixth lines, so that the section shall read as follows:

Expert  
evidence

10. Where it is intended by any party to examine as witnesses persons entitled, according to the law or practice, to give opinion evidence, not more than three of such witnesses may be called upon either side without the leave of the judge or other person presiding.

R.S.O. 1950,  
c. 119,  
amended

4. *The Evidence Act* is amended by adding thereto the following section:

Use of  
examination  
for discovery  
of officer or  
servant of  
corporation  
at trial

13a. An examination for discovery, or any part thereof, of an officer or servant of a corporation made under the rules of court may be used as evidence at the trial by any party adverse in interest to the corporation, subject to such protection to the corporation as the rules of court provide.

R.S.O. 1950,  
c. 119,  
amended

5. *The Evidence Act* is amended by adding thereto the following section:

Solemn  
declaration

39a.—(1) Any person authorized to take declarations in Ontario may receive the solemn declaration of any person in attestation of the truth of any fact or of any account rendered in writing and, subject to subsection 2, the declaration and any declaration authorized or required by any Act of the Legislature shall be in the following form:

I, A.B., solemnly declare that (*state the fact or facts declared to*), and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me

at this

day of , 19 .

Idem

R.S.C. 1952,  
c. 307

(2) A declaration made in the form prescribed by section 37 of the *Canada Evidence Act* shall be deemed to have been made in compliance with subsection 1.

6. Section 47 of *The Evidence Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 119, s. 47,  
re-enacted

47. The production of a certificate, purporting to be signed by an authority authorized in that behalf by the *National Defence Act* or by regulations made thereunder, stating that the person named in the certificate died, or was deemed to have died, on a date set forth therein, is *prima facie* proof for any purpose to which the authority of the Legislature extends that the person so named died on that date, and also of the office, authority and signature of the person signing the certificate, without any proof of his appointment, authority or signature. Military  
records  
R.S.C. 1952,  
c. 184

7. Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

8. This Act may be cited as *The Evidence Amendment Act*, Short title  
1960.





## CHAPTER 32

# An Act to amend The Executive Council Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 3 of *The Executive Council Act* is amended by striking out “\$10,000” in the second line and inserting in lieu thereof “\$12,000”, so that the subsection shall read as follows: R.S.O. 1950, c. 121, s. 3, subs. 1, amended

(1) The annual salary of every minister having charge of a department shall be \$12,000. Salaries of ministers of departments

(2) Subsection 2a of the said section 3, as enacted by section 1 of *The Executive Council Amendment Act, 1959*, is amended by striking out “\$1,800” in the fourth line and inserting in lieu thereof “\$2,500”, so that the subsection shall read as follows: R.S.O. 1950, c. 121, s. 3, subs. 2a (1959, c. 33, s. 1), amended

(2a) The annual salary of every minister without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, shall be \$2,500. Salaries of ministers without portfolio

**2.** This Act shall be deemed to have come into force on the 1st day of April, 1960. Commencement

**3.** This Act may be cited as *The Executive Council Amendment Act, 1960*. Short title



## CHAPTER 33

**An Act to repeal The Extramural  
Employment of Persons under Sentence Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** *The Extramural Employment of Persons under Sentence* R.S.O. 1950,  
*Act* is repealed. c. 123,  
repealed

**2.** This Act may be cited as *The Extramural Employment* Short title  
*of Persons under Sentence Repeal Act, 1960.*



## CHAPTER 34

# An Act to amend The Factory, Shop and Office Building Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Factory, Shop and Office Building Act* is amended by inserting after "manufacture" in the third line "or sale", so that the clause shall read as follows: R.S.O. 1950,  
c. 126, s. 1,  
cl. *a*,  
amended

(a) "bakeshop" means any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and includes any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials.

**2.** *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 126,  
amended

57. Where a boiler or pressure vessel in a factory, shop, bakeshop, restaurant or office building is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act, 1951*, 1951, c. 7 such construction, installation, maintenance or operation shall for the purposes of this Act be deemed to endanger the safety of the persons employed therein.

**3.** Subsection 2 of section 59 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 126, s. 59,  
subs. 2,  
re-enacted

(2) In every factory, shop, bakeshop, restaurant and office building, Doors to  
open  
outward

(a) where more than fifteen persons are employed at any time; or

(b)

- (b) where in the opinion of the inspector the nature of the business carried on or the number of persons present at any time, other than employees, may endanger the safety of the employees,

every door for the use of the employees or other persons shall open in the direction of exit travel.

Doors to be  
unobstructed

- (2a) No door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees or other persons are in the building.

R.S.O. 1950,  
c. 126, s. 65,  
subs. 1,  
re-enacted

4. Subsection 1 of section 65 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Bakeshops  
below  
ground  
level

- (1) No person shall keep a bakeshop in any part of a building where the floor of the bakeshop is below the level of the street or road upon which the building is situate or is below the level of any ground abutting the building unless,

- (a) the drawings and specifications of the construction or reconstruction of or alterations to the building to be used as the bakeshop, notwithstanding its height in storeys or gross horizontal area, have been submitted to, and approved by, an engineer of the Department under section 13; and

- (b) such construction, reconstruction or alterations have been proceeded with only in accordance with the drawings and specifications as so approved.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1960*.



## CHAPTER 35

## An Act to amend The Farm Products Grades and Sales Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 1 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 130, s. 1,  
cl. *a*,  
re-enacted

(*a*) “farm product” means such animals, animal products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations.

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1950,  
c. 130, s. 1,  
amended

(*bb*) “grader” means a grader appointed under this Act;

. . . . .

(*f*) “regulations” means the regulations made under this Act.

**2.** Subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as amended by section 1 of *The Farm Products Grades and Sales Amendment Act, 1959*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 130, s. 2,  
subs. 1,  
re-enacted

(1) The Lieutenant Governor in Council may make Regulations regulations,

(*a*) designating any farm product or a class thereof or an article of food or drink manufactured or derived in whole or in part from a farm product as a farm product;

(*b*)

- (b) establishing grades for any farm product;
- (c) providing for the inspecting, grading, packing and marking of farm products;
- (d) respecting the buying, selling, advertising, handling, shipping and transporting of farm products;
- (e) respecting packages for farm products;
- (f) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (g) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of accounts of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;
- (h) prescribing the fees payable upon the inspection and grading of any farm product;
- (i) prescribing the powers and duties of inspectors and graders;
- (j) providing for the issuing of inspection and grading certificates by inspectors and graders;
- (k) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (l) respecting the cleanliness and sanitation of premises in which a farm product is stored, processed, graded, packed, sold or offered for sale;
- (m) providing for the issuing of licences for engaging in the marketing or storing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (n) prohibiting persons from engaging in the marketing or storing of farm products and from operating markets for farm products

except

except under the authority of a licence under this Act;

- (o) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**3.—**(1) Clause *a* of subsection 1 of section 4 of *The Farm Products Grades and Sales Act* is amended by striking out “or carriage” in the second line and inserting in lieu thereof “grading, packing, selling or offering for sale, shipping or transporting”, so that the clause shall read as follows:

R.S.O. 1950,  
c. 130, s. 4,  
subs. 1, cl. *a*  
amended

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing, grading, packing, selling or offering for sale, shipping or transporting of any farm product and inspect any farm product found therein.

(2) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 130, s. 4,  
subs. 3,  
re-enacted

- (3) No person shall hinder or obstruct an inspector or a grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information.

Obstruction  
of inspector  
or grader

**4.** Section 7 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor:

R.S.O. 1950  
c. 130, s. 7,  
re-enacted

- 7. The production by an inspector or a grader of a certificate of his appointment purporting to be signed by the Minister is *prima facie* proof of the facts stated in the certificate and conclusive proof of the authority of the inspector or grader to inspect or grade any farm product.

Certificate  
of inspector  
or grader

**5.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**6.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1960*.

Short title



## CHAPTER 36

# An Act to amend The Farm Products Marketing Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4a of *The Farm Products Marketing Act*, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1958* and amended by sub-<sup>R.S.O. 1950, c. 131, s. 4a (1958, c. 27, s. 3), subs. 1,</sup> sections 1, 2 and 3 of section 2 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clause:

(dd) notwithstanding any other Act providing for,

- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
- (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
- (iii) the disposing of any or all of the assets of a marketing agency in such manner as may be prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails.

2.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957* and amended by<sup>R.S.O. 1950, c. 131, s. 6 (1957, c. 34, s. 4), subs. 1,</sup> section 4 of *The Farm Products Marketing Amendment Act*,

1958 and subsections 1 and 2 of section 3 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clauses:

- 6a. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the local board or marketing agency, as the case may be, and to forward such licence fees to the local board or marketing agency;

. . . . .

- 12a. notwithstanding any other Act, providing that no local board or marketing agency shall make grants or other like payments of money to any person or association or body of persons without the approval of the Board.

R.S.O. 1950, c. 131, s. 6, (1957, c. 34, s. 4), subs. 1, cl. 25, re-enacted (2) Clause 25 of subsection 1 of the said section 6 is repealed and the following substituted therefor:

25. providing for the revocation of the appointment of a marketing agency designated under clause 24.

R.S.O. 1950, c. 131, s. 6, subs. 1, cl. 26a (1959, c. 35, s. 3, subs. 2), repealed (3) Clause 26a of subsection 1 of the said section 6, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1959*, is repealed.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. a, subcl. vi, repealed **3.**—(1) Subclause vi of clause a of subsection 1 of section 7 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, cl. b, amended (2) Clause b of subsection 1 of the said section 7 is amended by adding at the commencement thereof "subject to subsection 4", so that the clause shall read as follows:

- (b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product.

R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, amended (3) Subsection 1 of the said section 7, as amended by subsection 1 of section 4 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following clause:

- (bb) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause a its expenses in carrying out the purposes of the plan.



(4) Clause *c* of subsection 1 of the said section 7 is amended by striking out "and less moneys to be paid to the local board for its expenses under subclause *vi* of clause *a*" in the fourth, fifth and sixth lines, so that the clause shall read as follows: R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), subs. 1, amended

- (*c*) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause *v* of clause *a* and to fix the times at which or within which such payments shall be made.

(5) The said section 7, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1959*, is further amended by adding thereto the following subsections: R.S.O. 1950, c. 131, s. 7 (1957, c. 34, s. 4), amended

- (3) The Board may from time to time with respect to any regulated product require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency and, without limiting the generality of the foregoing, may require the local board to furnish particulars of, Board may require information

(*a*) service charges fixed under clause *b* of subsection 1;

(*b*) purposes for which the service charges are used and the amounts expended for each purpose;

(*c*) any proposed changes in the amounts of the service charges;

(*d*) operating deficits or profits and reserves of the local board or the marketing agency;

(*e*) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and

(*f*) the purposes of the plan in effect for the marketing of the regulated product.

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper. Maximum service charges

Board may  
require  
information

(5) The Board may require any local board,

- (a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;
- (b) to carry out any purpose of the plan that the Board deems necessary or advisable;
- (c) to vary any purpose of the plan as the Board deems advisable; and
- (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

Regulations  
to give local  
board power  
of market-  
ing agency

(6) Except where a marketing agency is designated under clause 24 of subsection 1 of section 6, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *c* and *d* of subsection 1.

Marketing  
of regulated  
product by  
local board

(7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1960*.

## CHAPTER 37

**An Act to amend  
The Financial Administration Act, 1954**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 45 of *The Financial Administration Act, 1954* 1954, c. 30  
s. 45,  
re-enacted is repealed and the following substituted therefor:

45. Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific or maximum number of dollars or the issue of securities for a specific or maximum number of dollars in principal amount shall be deemed to authorize,

Loans in  
foreign  
currencies  
authorized

- (a) the borrowing or raising by way of loan, in whole or in part, of the same number of dollars of the United States of America or the issue of securities, in whole or in part, for the same number of dollars of the United States of America in principal amount, as the case may be; and
- (b) the borrowing or raising by way of loan, in whole or in part, of an equivalent amount in the currency of any country other than Canada or the United States of America, or the issue of securities, in whole or in part, for an equivalent principal amount in the currency of any country other than Canada or the United States of America, as the case may be, calculated in each case in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned as quoted by any chartered bank in Canada as of any time on the business day next preceding the date on which the Lieutenant Governor in Council authorizes the raising of the loan or the issue of the securities.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Financial Administration Amendment Act, 1960*.

## CHAPTER 38

## An Act to amend The Fire Marshals Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Fire Marshals Act*, as amended by section 1 of *The Fire Marshals Amendment Act, 1956*, is further amended by adding thereto the following subsection: R.S.O. 1950,  
c. 140, s. 2,  
amended

- (4a) The Lieutenant Governor in Council may appoint fire services instructors who, under the direction of the Fire Marshal, shall assist in the organization and training of municipal fire departments and in the development of other fire prevention programmes and shall perform such other duties as are imposed by this Act or the regulations. Fire  
services  
instructors

**2.—(1)** Clause *a* of section 3 of *The Fire Marshals Act* is amended by inserting after “Act” in the third line “or any other Act”, so that the clause shall read as follows: R.S.O. 1950,  
c. 140, s. 3,  
cl. a,  
amended

- (a) whenever he has reason to believe that the council of a municipality has not passed a by-law under the authority of any of the sections of *The Municipal Act* or any other Act relating to the prevention of fire or protection of life and property therefrom, or that the by-law which has been passed by a municipal council is not complete or is not being enforced, to confer with members or officers of the council and to assist them as far as may be expedient and practicable in preparing, improving and enforcing the by-law. Municipal  
by-laws  
R.S.O. 1950,  
c. 243

(2) The said section 3 is amended by adding thereto the following clause: R.S.O. 1950,  
c. 140, s. 3,  
amended

- (aa) to assist members of municipal councils and municipal officers in the formation and organization of fire departments, to make recommendations with Assistance to  
municipalities

regard

regard to equipment, operations, duties and administration of fire departments, and in the preparation of by-laws relevant thereto.

R.S.O. 1950,  
c. 140, s. 3,  
cl. *c*,  
amended

(3) Clause *c* of the said section 3 is amended by inserting after "articles" in the third line "pamphlets", so that the clause shall read as follows:

Propaganda  
as to fire  
prevention

(*c*) to disseminate information and advice as to the prevention of fire by means of public meetings, newspaper articles, pamphlets, exhibitions and moving picture films and otherwise as he may consider advisable.

R.S.O. 1950,  
c. 140, s. 3,  
cl. *d*,  
amended

(4) Clause *d* of the said section 3 is amended by adding at the end thereof "and fire protection", so that the clause shall read as follows:

Assisting  
local organ-  
izations  
for fire  
prevention

(*d*) to assist in the formation of local associations or leagues and to co-operate with any body or persons interested in developing and promoting the principles and practices of fire prevention and fire protection.

R.S.O. 1950,  
c. 140, s. 3,  
amended

(5) The said section 3 is further amended by adding thereto the following clause:

Assisting  
departments  
and agencies  
of  
government

(*dd*) to advise and assist departments and agencies of government in fire prevention and fire protection problems.

R.S.O. 1950,  
c. 140, s. 3,  
cl. *j*,  
amended

(6) Clause *j* of the said section 3 is amended by striking out "Subject to the regulations" in the first line, so that the clause shall read as follows:

Powers of  
Fire  
Marshal as  
to entry  
and  
inspection

(*j*) to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he may deem necessary for the purpose of complying with any statute or regulation made for the better protection of life and property in such buildings.

R.S.O. 1950,  
c. 140, s. 5,  
repealed

**3.** Section 5 of *The Fire Marshals Act* is repealed.

R.S.O. 1950,  
c. 140, s. 8,  
subs. 2,  
amended

**4.—**(1) Subsection 2 of section 8 of *The Fire Marshals Act* is amended by adding at the end thereof "and including therein particulars of all fatalities and injuries sustained by

persons



persons in such fires", so that the subsection shall read as follows:

- (2) The assistants to the Fire Marshal shall report to him in writing, on forms to be supplied by him, all the fires occurring in their respective municipalities within three days after receiving information of the fire and including therein particulars of all fatalities and injuries sustained by persons in such fires. <sup>Duty to report</sup>

(2) Subsection 3 of the said section 8 is amended by striking out "city or town" in the first line and inserting in lieu thereof "municipality" and by striking out "in whole or in part" in the second line and inserting in lieu thereof "an annual salary of more than \$500", so that the subsection shall read as follows: <sup>R.S.O. 1950, c. 140, s. 8, subs. 3, amended</sup>

- (3) Except in the case of a municipality where the chief of the fire department is paid an annual salary of more than \$500 by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid the sum of \$1 for each report, upon the certificate of the Fire Marshal, out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. <sup>Fees of assistants</sup>

(3) Subsection 4 of the said section 8 is amended by striking out "urban" in the first and third lines respectively, so that the subsection shall read as follows: <sup>R.S.O. 1950, c. 140, s. 8, subs. 4, amended</sup>

- (4) Whenever in any municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of the bureau or who is so designated shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act. <sup>Assistants to the Fire Marshal</sup>

**5.** Subsection 3 of section 17 of *The Fire Marshals Act* is repealed. <sup>R.S.O. 1950, c. 140, s. 17, subs. 3, repealed</sup>

**6.—**(1) Subsection 1 of section 18 of *The Fire Marshals Act* is amended by striking out "city and town" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows: <sup>R.S.O. 1950, c. 140, s. 18, subs. 1, amended</sup>

- (1) The corporation of every municipality shall provide a suitable place for the holding of investigations and <sup>Municipality to provide place for holding investigation</sup>

public inquiries by the Fire Marshal or his deputy and, until such place is provided, the investigations and inquiries may be held in the magistrate's court room of the municipality, but at such times as shall not interfere with the use of the court room for the holding of the magistrate's court.

R.S.O. 1950,  
c. 140, s. 18,  
subs. 2,  
amended

(2) Subsection 2 of the said section 18 is amended by striking out "corporation" in the first and fourth lines respectively and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Where  
municipality  
does not act

(2) If a suitable place is not provided by the municipality, the Fire Marshal may procure a suitable place for holding the investigation or inquiry and the expense incurred shall be borne by the municipality.

R.S.O. 1950,  
c. 140, s. 20,  
subs. 2,  
cl. c,  
amended

7.—(1) Clause *c* of subsection 2 of section 20 of *The Fire Marshals Act* is amended by inserting after "such" in the third line "avenues of egress", so that the clause shall read as follows:

(c) the installation of safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such avenues of egress, fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire.

R.S.O. 1950,  
c. 140, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsections:

Closing of  
premises

(9a) If the obligation for the neglect of which the penalty was imposed on any person is not fulfilled within thirty days after the conviction, the magistrate or justices, on the application of the Fire Marshal, may order the closing of any premises where the danger of fire or explosion is especially hazardous to life or property until such time as the obligation for which the penalty was imposed is fulfilled.

Removal of  
hazard by  
Fire  
Marshal

(9b) Where the person does not remedy the conditions for which a conviction was made within thirty days after conviction, the magistrate or justices may issue an order authorizing the Fire Marshal to remove the building or combustible or explosive material or anything that may constitute a fire menace and the expenses so incurred shall be paid as in subsections 11 and 12.

(3) Subsection 13 of the said section 20 is amended by striking out "ten per cent" in the thirteenth and fourteenth lines and inserting in lieu thereof "25 per cent", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 20, subs. 13, amended

- (13) If the owner of a building or premises is absent from or does not reside within the municipality in which the building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of the alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of 25 per cent of the annual rental payable in respect of such tenancy or occupancy. Minor alterations and repairs

8.—(1) Clause *d* of subsection 1 of section 23 of *The Fire Marshals Act* is amended by striking out "the members of which shall serve without remuneration" in the second and third lines, so that the clause shall read as follows: R.S.O. 1950, c. 140, s. 23, subs. 1, cl. d, amended

- (*d*) providing for the appointment of an advisory committee and defining the duties and powers of such committee.

(2) Subsection 1 of the said section 23 is amended by adding thereto the following clause: R.S.O. 1950, c. 140, s. 23, subs. 1, amended

- (*hh*) providing long service awards for members of the public fire services.

(3) Subsection 2 of the said section 23 is repealed. R.S.O. 1950, c. 140, s. 23, subs. 2, repealed

9. This Act may be cited as *The Fire Marshals Amendment Act, 1960*. Short title



## CHAPTER 39

**An Act to amend The Forestry Act, 1952**

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Forestry Act, 1952*, as amended by 1952, c. 32, section 1 of *The Forestry Amendment Act, 1959*, is repealed <sup>s. 2,</sup> re-enacted and the following substituted therefor:

- 2.—(1) For the purposes of this section, “forestry <sup>Interpre-  
tation</sup> purposes” means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies.
- (2) The Minister may enter into agreement with the owners of lands that are suitable for forestry purposes for the management of such lands upon such terms and conditions as he deems proper, but no such agreement shall be entered into for a term of less than twenty years. <sup>Agreements  
as to  
forestry  
develop-  
ment</sup>
- (3) The Minister may make grants out of the moneys appropriated therefor by the Legislature to any conservation authority or to any municipality for the purpose of assisting it in the acquisition of lands that are suitable for forestry purposes and that are to be managed under an agreement entered into under subsection 2 of such sums as are provided for in the agreement. <sup>Grants</sup>
- (4) A conservation authority or municipality that has entered into an agreement under subsection 2 shall not, without the approval of the Lieutenant Governor in Council, use any lands in respect of which grants have been made under subsection 3 for any purpose that is inconsistent with forestry purposes at any time during the life of the agreement or at any <sup>Forestry  
purposes  
only</sup>



time thereafter, and the conservation authority or municipality, as the case may be, unless the order of approval of the Lieutenant Governor in Council otherwise provides, shall repay the Province all grants to it under the agreement in respect of the lands that are used for a purpose that is inconsistent with forestry purposes.

Sale of  
lands

- (5) Lands in respect of which grants have been made under subsection 3 shall not, without the approval of the Lieutenant Governor in Council, be sold, leased or otherwise disposed of during the life of the agreement or at any time thereafter, and the proceeds from any sale, lease or other disposition of any such lands shall be shared equally by the conservation authority or municipality, as the case may be, and the Province.

Exception

- (6) Subsection 5 does not apply to a sale, lease or other disposition for the uses of Ontario.

Existing  
agreements  
not  
affected  
1952, c. 32

**2.** Subsections 4, 5 and 6 of section 2 of *The Forestry Act, 1952*, as enacted by section 1 of this Act, do not apply to any agreement entered into between the Minister and a conservation authority or municipality before such subsections came into force.

Existing  
loans,  
change in  
nomen-  
clature  
1952, c. 32  
1959, c. 39

**3.** The loans made under subsection 2 of section 2 of *The Forestry Act, 1952*, as enacted by section 1 of *The Forestry Amendment Act, 1959*, shall be deemed to have been and to be grants.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Forestry Amendment Act, 1960*.



## CHAPTER 40

## An Act to amend The Game and Fisheries Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 4 of section 17a of *The Game and Fisheries Act*, as enacted by section 5 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor: R.S.O. 1950, c. 153, s. 17a (1951, c. 29, s. 5), subs. 4, re-enacted

(4) Every person who fails to comply with subsection 1 or who keeps live game in captivity after a permit therefor has been refused or cancelled is guilty of an offence against this Act. Offence against live game

**2.** Section 23 of *The Game and Fisheries Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 153, s. 23, amended

(9) Any person who knowingly makes any false statement in any application, affidavit or declaration required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. Offence to make false statement

**3.** Section 26 of *The Game and Fisheries Act*, as re-enacted by section 4 of *The Game and Fisheries Amendment Act, 1956* and amended by section 5 of *The Game and Fisheries Amendment Act, 1958*, is repealed. R.S.O. 1950, c. 153, s. 26 (1956, c. 26, s. 4), repealed

**4.** Section 27 of *The Game and Fisheries Act*, as amended by section 6 of *The Game and Fisheries Amendment Act, 1958*, is repealed. R.S.O. 1950, c. 153, s. 27, repealed

**5.** Subsection 3 of section 28 of *The Game and Fisheries Act*, as amended by section 2 of *The Game and Fisheries Amendment Act, 1955*, is repealed. R.S.O. 1950, c. 153, s. 28, subs. 3, repealed

R.S.O. 1950,  
c. 153, s. 40,  
re-enacted

**6.** Section 40 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Eggs and  
nests pro-  
tected

40. No person shall take, destroy or possess the eggs or nests of any bird protected by this Act, except under the authority of a licence to take, destroy or possess the eggs or nests for educational or scientific purposes issued by the Deputy Minister.

R.S.O. 1950,  
c. 153, s. 52,  
subs. 1,  
amended

**7.** Subsection 1 of section 52 of *The Game and Fisheries Act*, as amended by section 10 of *The Game and Fisheries Amendment Act, 1958*, is further amended by striking out "splake" in the amendment of 1958, so that the subsection shall read as follows:

No traffic  
in certain  
fish

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence.

R.S.O. 1950,  
c. 153, s. 75,  
subs. 1, cl. a,  
subs. 1, ii,  
re-enacted

**8.**—(1) Subclauses i and ii of clause a of subsection 1 of section 75 of *The Game and Fisheries Act* are repealed and the following substituted therefor:

- (i) of not less than \$200 and not more than \$500 for each caribou the subject of the prosecution,
- (ii) of not less than \$100 and not more than \$300 for each moose the subject of the prosecution, or
- . . . . .

R.S.O. 1950,  
c. 153, s. 75,  
subs. 5,  
repealed

- (2) Subsection 5 of the said section 75 is repealed.

R.S.O. 1950,  
c. 153, s. 76,  
subs. 1,  
re-enacted

**9.**—(1) Subsection 1 of section 76 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Seizure and  
confiscation  
of game and  
other  
property

- (1) All game or fish suspected of having been taken or possessed and all vehicles of every description, aircraft, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, all fishing gear, materials, implements and appliances

of every kind used for hunting or fishing, packages, crates and containers of every description,

- (a) suspected of having been used; or
- (b) used in transporting fish or game suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Special Fishery Regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act shall be seized and, upon conviction, shall be forfeit to the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeit to the Crown in right of Ontario and may be sold forthwith by the Department or given to a charitable institution and any other property seized shall be forfeit to the Crown in right of Ontario and sold or otherwise disposed of by the Department after the expiration of thirty days.

R.S.C. 1952  
c. 179

(2) Subsection 3 of the said section 76 is amended by striking out "and the value of the property is more than \$100" in the third line, so that the subsection shall read as follows:

R.S.O. 1950  
c. 153, s. 76  
subs. 3,  
amended

- (3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice, the Minister may grant relief from forfeiture and direct its return to the person from whom it was taken upon such terms as he may deem just.

Relief from  
forfeiture

**10.**—(1) Clause *a* of section 77 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 153, s. 77,  
cl. *a*,  
re-enacted

- (a) establishing classes for licences referred to in the Act and the Special Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitation, terms and conditions, and the fees payable therefor, and limiting the number of licences of any class that may be issued.

(2) Clause *p* of the said section 77 is repealed.

R.S.O. 1950,  
c. 153, s. 77,  
cl. *p*,  
repealed

(3)

R.S.O. 1950,  
c. 153, s. 77,  
cl. *w*,  
re-enacted

(3) Clause *w* of the said section 77 is repealed and the following substituted therefor:

(*w*) prescribing the royalties payable in respect of fish or under section 28, and excepting any fish or fur-bearing animal therefrom.

R.S.O. 1950,  
c. 153, s. 77,  
amended

(4) The said section 77 is amended by adding thereto the following subsection:

Regulations

(2) Any regulation may be limited territorially or as to time or otherwise.

Commence-  
ment

**11.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**12.** This Act may be cited as *The Game and Fisheries Amendment Act, 1960*.

## CHAPTER 41

## An Act to amend The Gasoline Tax Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Gasoline Tax Act*, as re-enacted by section 1 of *The Gasoline Tax Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 157, s. 1, cl. *a* (1957, c. 40, s. 1), re-enacted

(*a*) "gasoline" includes aviation fuel and any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the products commonly known as fuel oil, coal oil, kerosene and such products as are excluded from this Act by the regulations except when any product commonly known as fuel oil, coal oil, kerosene and any such product as is excluded from this Act by the regulations is aviation fuel or when any such product is mixed or combined with gasoline as described by this clause;

(*aa*) "aviation fuel" includes any gas or liquid that is sold to be used or is used to create power to propel an aircraft and any product that is designated to be aviation fuel by the regulations.

**2.** Section 3 of *The Gasoline Tax Act*, as amended by section 3 of *The Gasoline Tax Amendment Act, 1957*, is further amended by adding thereto the following clause: R.S.O. 1950, c. 157, s. 3, amended

(*eee*) designating products to be aviation fuel.

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Gasoline Tax Amendment Act, 1960*. Short title





## CHAPTER 42

**An Act to amend  
The General Welfare Assistance Act, 1958**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *h* of section 1 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowance" in the first line and inserting in lieu thereof "aid", so that the clause shall read as follows:

(*h*) "supplementary aid" means assistance that may be paid to a recipient of a governmental benefit.

**2.** Section 8 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowances" in the second line and inserting in lieu thereof "aid", so that the section shall read as follows:

8. A municipality or the Province may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits.

**3.** Clause *g* of section 9 of *The General Welfare Assistance Act, 1958* is amended by striking out "allowances" in the first and second lines and inserting in lieu thereof "aid" and by striking out "they are" in the fourth line and inserting in lieu thereof "it is", so that the clause shall read as follows:

(*g*) providing for the payment of supplementary aid to recipients of governmental benefits, prescribing the circumstances under which and by whom it is payable, and providing for contributions to or reimbursement of amounts expended therefor and prescribing the maximum amounts or percentages thereof.

**4.** Subsection 5 of section 9a of *The General Welfare Assistance Act, 1958*, as enacted by section 2 of *The General Welfare Assistance Amendment Act, 1959*, is amended by

striking

striking out "allowances" in the third line and inserting in lieu thereof "aid", so that the subsection shall read as follows:

Supple-  
mentary aid

- (5) The council of a band that is approved for the purposes of this Act may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits who reside on the reserve of the band.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The General Welfare Assistance Amendment Act, 1960*.

CHAPTER 43

An Act to repeal The Ginseng Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ginseng Act* is repealed.

R.S.O. 1950  
c. 159,  
repealed
2. This Act may be cited as *The Ginseng Repeal Act, 1960*.

Short title



## CHAPTER 44

**An Act to amend  
The Highway Improvement Act, 1957**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 22 of *The Highway Improvement Act, 1957*, as amended by section 1 of *The Highway Improvement Amendment Act, 1958* and section 1 of *The Highway Improvement Amendment Act, 1959*, is repealed and the following substituted therefor:

22.—(1) Where it is deemed by the Minister that a highway that is under the jurisdiction and control of a city, town or village or that is in a city, town or village and under the control of the county should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town, village or county, and the council of the city, town, village or county may pass by-laws for issuing and may issue debentures under *The Municipal Act*, payable in such period as the Minister approves but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of the highway, but in the case of a city, town or village it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(2) In the case of a city, town or village, work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act*, and in that case the council may

by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper.

Agreement  
for work,  
towns and  
villages

- (3) The Minister and the council of a town, not being a separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1.

Idem,  
cities and  
separated  
towns

- (4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of a highway designated under subsection 1.

Idem,  
counties

- (5) The Minister and the council of a county may enter into an agreement, in the case of a highway in a town, not being a separated town, or a village, for the construction by the county or by the Department of a highway designated under subsection 1, and, in the case of a highway in a city or separated town, for the construction therein by the county or by the Department of a highway designated under subsection 1.

Cost of  
work

- (6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500, a sum equal to 75 per cent of the cost of the construction of a roadway



of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and

- (c) where the highway is in a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet.
- (7) Notwithstanding clause *b* of subsection 6, where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500 and the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that is to be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement.<sup>Idem, bridges and culverts</sup>
- (8) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways or additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,<sup>Idem, additional roadways and widths</sup>
- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population

of more than 2,500, a sum equal to 75 per cent of the cost of the construction and maintenance of the work; and

- (c) where the highway is in a city or separated town, a sum equal to 50 per cent of the cost of the construction of the work.

Determina-  
tion of  
cost of  
work

- (9) For the purposes of an agreement entered into under subsection 3 or 4, the owner's share of the cost of local improvements shall not be included in the cost of the work without the consent of the Minister, nor may any other contribution received from any source be so included without the consent of the Minister.

Jurisdiction  
and control  
unchanged

- (10) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village or county, as the case may be.

1957, c. 43,  
amended

**2.** *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Highway  
needs  
study  
report

- 22a. The Minister and the council of a city, town or village may enter into an agreement for the preparation of a report, being a study of the development and improvement of the road system in the city, town or village in relation to the King's Highway, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

1957, c. 43,  
amended

**3.** *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Interpre-  
tation

- 33a.—(1) In this section, "intersection" means the part of the King's Highway contained within the prolongation or connection of the boundary lines of a private road that crosses the King's Highway.

Private  
road—  
King's High-  
way inter-  
sections in  
unorganized  
territory  
R.S.O. 1950,  
c. 167

- (2) The Lieutenant Governor in Council may make regulations designating provisions of *The Highway Traffic Act* or the regulations thereunder that shall not apply in intersections in territory without municipal organization.

4. *The Highway Improvement Act, 1957* is amended by <sup>1957, c. 43,</sup>  
adding thereto the following Parts:

### PART IIIA

#### TERTIARY ROADS

- 39a.—(1) The Lieutenant Governor in Council may <sup>Tertiary roads, designation</sup> designate an existing road in territory without municipal organization as a tertiary road and thereupon the provisions of this Act and the regulations that apply to the King's Highway, except sections 32 and 33, apply *mutatis mutandis* to such tertiary road.
- (2) Subject to subsections 4 and 5, a tertiary road shall <sup>maintenance</sup> be maintained by the Department, but such maintenance does not include the clearing or removal of snow therefrom or the application of chemicals or abrasives to the icy surfaces thereof.
- (3) No action shall be brought against the Crown for <sup>liability for damages</sup> damages caused by the default of the Department in maintaining a tertiary road, and the Crown is not liable for any damage sustained by any person using a tertiary road.
- (4) The Minister may enter into an agreement with <sup>snow removal</sup> any person for the clearing or removal of snow from a tertiary road or the application of chemicals or abrasives to the icy surfaces thereof, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature.
- (5) Where the Minister deems it desirable that persons <sup>maintenance contributions</sup> who own land in territory without municipal organization in which a tertiary road is situate should elect road commissioners and maintain it under *The R.S.O. 1950,* *Statute Labour Act* or become incorporated under *The* <sup>cc. 372, 243</sup> *Municipal Act* or otherwise contribute to its maintenance, it shall not be maintained by the Department unless the interested persons enter into an agreement with the Minister for such maintenance, and the agreement shall provide that not more than 50 per cent of the cost of the work shall be paid out of moneys appropriated therefor by the Legislature.

#### PART IIIB

## PART IIIB

## RESOURCE ROADS

Resource  
roads,  
designation

39b.—(1) The Lieutenant Governor in Council may designate a tertiary road as a resource road.

Load  
limits,  
etc., do not  
apply  
R.S.O. 1950,  
c. 167

(2) Sections 19, 34, 35, 36 and 37 of *The Highway Traffic Act* do not apply to a resource road or to vehicles operated upon a resource road, as the case may be.

## PART IIIC

## INDUSTRIAL ROADS

Industrial  
roads,  
designation

39c.—(1) The Minister may designate as an industrial road a private road which he deems necessary for the development or operation of the lumbering, pulp or mining industry but which in his opinion should also be used by the public for road purposes other than those of the industry.

maintenance

(2) The Minister and the owner of an industrial road may enter into an agreement for the maintenance of the industrial road by the owner, and as long as the owner permits the public to use the industrial road the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such proportion of the cost of maintenance as he deems requisite.

jurisdiction  
and control

(3) Notwithstanding any other Act, an industrial road remains a private road under the jurisdiction and control of the owner, but subject to the use of the public as described in subsections 1 and 2.

1957, c. 43,  
s. 42,  
subs. 5,  
amended

5. Subsection 5 of section 42 of *The Highway Improvement Act, 1957* is amended by adding at the commencement thereof "Notwithstanding *The Municipal Act*", so that the subsection shall read as follows:

Members of  
councils  
not to be  
appointed  
R.S.O. 1950,  
c. 243

(5) Notwithstanding *The Municipal Act*, no member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits

his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

**6.** Subsection 5 of section 70 of *The Highway Improvement Act, 1957* is amended by adding at the commencement thereof "Notwithstanding *The Municipal Act*", so that the subsection shall read as follows:

- (5) Notwithstanding *The Municipal Act*, no member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

**7.** This Act comes into force on the day it receives Royal Assent.

**8.** This Act may be cited as *The Highway Improvement Amendment Act, 1960*.





## CHAPTER 45

# An Act to amend The Highway Traffic Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *kk* of subsection 1 of section 1 of *The Highway Traffic Act*, as enacted by section 1 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950  
c. 167, s. 1,  
subs. 1,  
cl. *kk*  
(1957, c. 44,  
s. 1),  
re-enacted

(*kk*) "King's Highway" includes secondary highways and tertiary roads designated under *The Highway Improvement Act, 1957*, c. 43.

2. Section 10 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1951*, section 3 of *The Highway Traffic Amendment Act, 1953*, section 1 of *The Highway Traffic Amendment Act, 1955*, section 2 of *The Highway Traffic Amendment Act, 1956*, section 3 of *The Highway Traffic Amendment Act, 1957* and section 4 of *The Highway Traffic Amendment Act, 1958*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 167, s. 10,  
re-enacted

10.—(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

(2)

Reflector  
required  
on new  
motor  
vehicles

- (2) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1962, other than a commercial motor vehicle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department, or red reflective material covering a surface of not less than 16 square inches.

Driving  
lights

- (3) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 300 feet ahead of the motor vehicle.

Lighted  
streets

- (4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9 and 10 do not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions the vehicle is clearly discernible within a distance of 200 feet.

Strength of  
front lamps

- (5) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candle-power.

Clearance  
lamps  
required  
on wide  
vehicles

- (6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green or amber light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle.

- (7) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1961, other than a commercial motor vehicle, having a width in excess of 80 inches unless it is equipped with clearance lamps as prescribed in subsection 6. Sale of new motor vehicles over 80 inches in width without clearance lamps prohibited
- (8) Every person who contravenes subsection 7 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300. Penalty
- (9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green or amber, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer. Identification lamps
- (10) When on a highway outside a city, town or village at any time from one half-hour after sunset to one-half hour before sunrise, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side Side marker lamps

marker lamps as required by this subsection on the left side of the vehicle.

Penalty

- (11) Every person who contravenes subsection 1, 3, 5, 6, 9 or 10 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Red light  
in front

- (12) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle, the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp that casts a red light.

Vehicles of  
volunteer  
fire fighters  
R.S.O. 1950,  
c. 138

- (13) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamps shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp.

Bicycles  
and  
tricycles,  
lights  
on, etc.

- (14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp and on the back thereof a red lighted lamp or reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the back thereof red reflective material covering a surface of not less than ten inches in length and one inch in width.

Penalty

- (15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

Rear lamps  
to illuminate  
number  
plate

- (16) The lamp on the back of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will illuminate at any time from one-half hour after sunset to one-half hour before

sunrise



sunrise the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

- (17) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least 200 feet and to show white to the front and red to the rear of the vehicle; provided that such light shall not be displayed while the motor vehicle is in motion. Parking lights
- (18) The Lieutenant Governor in Council may make regulations, Regulations as to lights on vehicles
- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;
  - (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light.
- (19) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than 100 feet ahead, of the vehicle to which it is attached. Spotlamps
- (20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise, carry a lamp in a conspicuous place in front which shall cast a white or green light only and one on the rear of the engine or of any vehicle that may be attached to it which shall cast from its face a red light only. Lamps to be carried on engine
- (21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every trailer and every object or contrivance drawn by a vehicle shall carry on the back thereof one lighted lamp which shall cast from its face a red light only. Light on back of trailer, etc.

Lights on  
vehicles,  
objects and  
contrivances  
over 96  
inches  
in width

- (22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches, shall carry at the rear two lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

Penalty

- (23) Every person who contravenes subsection 16, 17, 19, 20, 21 or 22 or the regulations made under subsection 18 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$5 and not more than \$10; for the second offence to a fine of not less than \$10 and not more than \$25; and for any subsequent offence to a fine of not less than \$25 and not more than \$50, and in addition his licence or permit may be suspended for a period of not more than sixty days.

Lights on  
all vehicles

- (24) Subject to subsection 26, every vehicle other than a motor vehicle or a bicycle or tricycle, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear or a lighted lamp showing white to the front and a lighted lamp showing red to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and from the rear of the vehicle.

Lights on  
farm  
tractors

- (25) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, shall carry the lighted lamps required for motor vehicles under subsection 1.

Reflectors  
in certain  
cases

- (26) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps.

Penalty

- (27) Every person who contravenes subsection 24 or 25 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more

than



than \$5; for the second offence to a fine of not less than \$5 and not more than \$10; and for any subsequent offence to a fine of not less than \$10 and not more than \$25.

- (28) No person shall sell a new motor vehicle, other than a motorcycle, unless it is equipped with mechanical or electrical signalling devices that comply with clauses *g* and *h* of subsection 1 of section 41. Signalling devices required on new motor vehicles
- (29) Every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 80 inches or having a length in excess of 20 feet shall be equipped with mechanical or electrical signalling devices that comply with clauses *g* and *h* of subsection 1 of section 41. Signalling devices required on trucks, buses, etc.

**3.** *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950, c. 167, amended

12a.—(1) No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations. Brake fluid

(2) The Lieutenant Governor in Council may make Regulations regulations,

(a) prescribing the standards and specifications of hydraulic brake fluid or any type or class thereof for use in vehicles;

(b) providing for the identification and labelling of containers used for hydraulic brake fluid or any type or class thereof.

**4.** Subsection 2 of section 13 of *The Highway Traffic Act* is amended by inserting after "fenders" in the second line "or other effective device", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 13, subs. 2, amended

(2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other effective device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. mudguards

R.S.O. 1950,  
c. 167, s. 19,  
subs. 4,  
re-enacted

**5.** Subsection 4 of section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is repealed and the following substituted therefor:

Attachments  
required  
when  
vehicle  
drawn on  
highway

- (4) No motor vehicle, other than a motor vehicle in which there is a person licensed to operate a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this subsection does not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle or to a trailer or other object or device when drawn directly across a highway by a farm tractor.

R.S.O. 1950,  
c. 167, s. 20<sup>b</sup>  
(1957, c. 44,  
s. 4),  
amended

**6.** Section 20<sup>b</sup> of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1957*, is amended by adding thereto the following subsection:

Form

- (3) The Lieutenant Governor in Council may make regulations prescribing the form and content of the certificate of mechanical fitness required under subsection 1.

R.S.O. 1950,  
c. 167,  
amended

**7.** *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations  
re  
accessories  
and  
ornaments

20c. The Lieutenant Governor in Council may make regulations,

- (a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;
- (b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;
- (c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles.

R.S.O. 1950,  
c. 167, s. 21,  
amended

**8.** Section 21 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-  
examination

- (7) The holder of a chauffeur's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister

and

and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

9.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* is amended by inserting after “lot” where it occurs the second time in the third line “or the wrecking or dismantling of vehicles”, so that the subsection shall read as follows: R.S.O. 1950,  
c. 167, s. 26,  
subs. 1,  
amended

- (1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks. Garage,  
storage,  
etc.,  
licences

(2) Subsection 3 of the said section 26 is amended by inserting after “lot” in the third line “or the wrecking or dismantling of vehicles”, so that the subsection shall read as follows: R.S.O. 1950,  
c. 167, s. 26,  
subs. 3,  
amended

- (3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence shall for the first offence be liable to a penalty of not less than \$10 and not more than \$50; for the second or any subsequent offence, to a penalty of not less than \$50 and not more than \$200, and for the third or any subsequent offence shall also be liable to imprisonment for a term of not more than three months. Penalty for  
conducting  
business  
without  
licence

(3) Subsection 4 of the said section 26 is amended by striking out “peace officer” in the first line and inserting in lieu thereof “constable or officer appointed for carrying out the provisions of this Part” and by inserting after “lot” where it occurs the second time in the third line “or premises used for the wrecking or dismantling of vehicles”, so that the subsection shall read as follows: R.S.O. 1950,  
c. 167, s. 26,  
subs. 4,  
amended

- (4) Any constable or officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot or premises used for the wrecking or dismantling of vehicles required to be licensed and make such investigation and inspection as he thinks proper. Right of  
entry and  
inspection

R.S.O. 1950,  
c. 167, s. 26,  
subs. 6,  
amended

(4) Subsection 6 of the said section 26 is amended by inserting after "lot" in the third line "or premises used for the wrecking or dismantling of vehicles", so that the subsection shall read as follows:

Minister  
may  
suspend or  
cancel  
licence

(6) The Minister may suspend or cancel the licence issued for a garage business, parking station, parking lot or used car lot or premises used for the wrecking or dismantling of vehicles for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient.

R.S.O. 1950,  
c. 167, s. 26,  
subs. 7,  
amended

(5) Subsection 7 of the said section 26 is amended by adding at the end thereof "or the wrecking or dismantling of vehicles", so that the subsection shall read as follows:

Regulations

(7) The Lieutenant Governor in Council, upon the recommendation of the Minister, may make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 1,  
amended

**10.**—(1) Subsection 1 of section 28 of *The Highway Traffic Act*, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954* and section 9 of *The Highway Traffic Amendment Act, 1958*, is further amended by striking out "or" at the end of clause *c* and by adding thereto the following clauses:

(e) subject to clause *a*, the speed limit prescribed upon a highway in accordance with the provisions of subsections 1*a*, 1*b*, 2, 2*a*, 2*b*, 3*a* and 3*b*; or

1953, c. 73

(f) the speed limit prescribed upon a metropolitan road in accordance with section 86*b* of *The Municipality of Metropolitan Toronto Act, 1953*.

R.S.O. 1950,  
c. 167, s. 28,  
subs. 3*c*  
(1956, c. 29,  
s. 5, subs. 3),  
amended

(2) Subsection 3*c* of the said section 28, as enacted by subsection 3 of section 5 of *The Highway Traffic Amendment Act, 1956* and amended by subsection 5 of section 3 of *The Highway Traffic Amendment Act, 1959*, is further amended by inserting after "3*b*" in the second line "or a by-law is passed under section 86*b* of *The Municipality of Metropolitan Toronto Act, 1953*", so that the subsection shall read as follows:

application  
of sub-  
section 1

1953, c. 73

(3*c*) Where a by-law is passed under subsection 1*a*, 1*b*, 2 or 2*a* or a regulation is made under subsection 3*a* or 3*b* or a by-law is passed under section 86*b* of *The*



*Municipality of Metropolitan Toronto Act, 1953*, the rates of speed prescribed in subsection 1 shall not apply to the highway or portion of the highway affected by the by-law or regulation.

**11.** Subsection 2 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is repealed. R.S.O. 1950, c. 167, s. 29 (1955, c. 29, s. 4), subs. 2, repealed

**12.** Subsection 2 of section 36 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 36, subs. 2, re-enacted

- (2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*. Production of permit  
R.S.O. 1950, c. 304

**13.** Subsection 3 of section 37 of *The Highway Traffic Act*, as amended by section 7 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 37, subs. 3, re-enacted

- (3) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification. Production of inventory showing weight of vehicle and load

**14.** Section 40 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 40, amended

- (4) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. Name and address of owner on road-building machine

**15.—**(1) Clause *a* of subsection 1 of section 41 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 1, cl. a, re-enacted

- (a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall not make such left turn until he has afforded a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. Left turn at intersection

R.S.O. 1950,  
c. 167, s. 41,  
subs. 1,  
amended

(2) Subsection 1 of the said section 41, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954* and subsection 1 of section 12 of *The Highway Traffic Amendment Act, 1958*, is further amended by adding thereto the following clause:

Rule for  
left turn  
from  
one-way  
highway to  
one-way  
highway

(dd) The driver or operator of a vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway designated for use of one-way traffic shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left-hand curb or edge of the roadway being entered.

R.S.O. 1950,  
c. 167, s. 41,  
subs. 2, cl. a,  
re-enacted

(3) Clause *a* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

Signal-  
light  
traffic  
control  
systems

(a) Green arrow, green, amber and red lights may be used for signal-light traffic control systems and such lights shall be arranged vertically in the following order commencing at the bottom, green arrow, green, amber and red.

R.S.O. 1950,  
c. 167, s. 41,  
subs. 2,  
cl. e,  
re-enacted

(4) Clause *e* of subsection 2 of the said section 41 is repealed and the following substituted therefor:

(e) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right-of-way to pedestrians and other traffic lawfully within the intersection.

R.S.O. 1950,  
c. 167, s. 41,  
subs. 2, cl. g,  
subcl. iii,  
amended

(5) Subclause iii of clause *g* of subsection 2 of the said section 41 is amended by striking out "and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic" in the ninth, tenth, eleventh and twelfth lines, so that the subclause shall read as follows:

(iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection.



(6) Subclause *i* of clause *i* of subsection 2 of the said section 41, as amended by subsection 3 of section 7 of *The Highway Traffic Amendment Act, 1951*, is further amended by inserting after "red" in the third line "or green arrow, green, amber and red", so that the subclause shall read as follows:

R.S.O. 1950,  
c. 167, s. 41,  
subs. 2, cl. i,  
subcl. i,  
amended

- (i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a bracket or extended arm attached to a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(7) Clause *a* of subsection 3 of the said section 41, as re-enacted by subsection 5 of section 12 of *The Highway Traffic Amendment Act, 1958*, is amended by striking out "the entrance to a through highway" in the first and second lines and inserting in lieu thereof "an intersection", so that the clause shall read as follows:

R.S.O. 1950,  
c. 167, s. 41,  
subs. 3  
(1958, c. 36,  
s. 12,  
subs. 5),  
cl. a,  
amended

- (a) upon approaching a stop sign at an intersection, shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

. . . . .

(8) Clause *b* of subsection 3 of the said section 41 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 167, s. 41,  
subs. 3  
(1958, c. 36,  
s. 12,  
subs. 5),  
cl. b,  
re-enacted

- (b) upon entering the intersection, shall yield the right-of-way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right-of-way to the vehicle so proceeding in the intersection.

R.S.O. 1950,  
c. 167, s. 41,  
amended

(9) The said section 41 is amended by adding thereto the following subsection:

Towing of  
persons on  
bicycles,  
toboggans,  
etc.,  
prohibited

(13a) No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same or himself to the vehicle or street car.

R.S.O. 1950,  
c. 167, s. 41,  
amended

(10) The said section 41 is further amended by adding thereto the following subsections:

Crowding  
driver's  
seat

(19c) No person shall operate a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the motor vehicle.

Vehicles  
required to  
stop at  
railway  
crossing  
signal

(19d) When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he shall stop the vehicle not less than 15 feet from the nearest rail of the railway and shall not proceed until he can do so safely.

Driving  
of  
vehicles  
under  
crossing  
gates  
prohibited

(19e) No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

R.S.O. 1950,  
c. 167, s. 41b  
(1955, c. 29,  
s. 7),  
subss. 3, 4,  
re-enacted

**16.** Subsections 3 and 4 of section 41b of *The Highway Traffic Act*, as enacted by section 7 of *The Highway Traffic Amendment Act, 1955*, are repealed and the following substituted therefor:

Visual  
signals on  
school bus

(3) The driver of a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children shall actuate the signalling device on the bus and shall continue it in operation while stopped for such purpose and shall not otherwise actuate the signalling device while on a highway.

Duty of  
driver when  
school bus  
stopped on  
highway

(4) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children and the signalling device on the bus required by the regulations is operating, the driver of a vehicle,

- (a) on overtaking such school bus, shall stop the vehicle before reaching the bus and shall not proceed until the bus resumes motion or the signalling device is no longer operating;
  - (b) on meeting such school bus on such a highway, other than a highway with separate roadways, shall, at a distance of not less than 100 feet from the school bus, reduce the speed of the vehicle and proceed past the school bus at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians, and shall not increase the speed of the vehicle until he has reached a distance of at least 100 feet from the school bus.
- (5) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed. Markings to be covered when children not being transported
- (6) The Lieutenant Governor in Council may make regulations, Regulations re vehicles used for conveyance of school children
- (a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;
  - (b) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
  - (c) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;
  - (d) requiring the inspection of such vehicles or any class or type thereof.

**17.** *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950, c. 167, amended

41c.—(1) The driver of,

- (a) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

(b)

(b) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not change gears while crossing.

Penalty

- (2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50, and in addition his licence may be suspended for a period of not more than six months.

Sign  
required  
on such  
vehicles

- (3) Every vehicle to which subsection 1 applies shall bear a sign on the rear thereof clearly legible to a driver approaching from the rear in the following words:

“THIS VEHICLE STOPS AT ALL RAILWAY CROSSINGS”.

R.S.O. 1950,  
c. 167,  
amended

**18.** *The Highway Traffic Act* is amended by adding thereto the following section:

Stop signs,  
erection  
at inter-  
sections

- 41d. In addition to stop signs required at intersections on through highways,

(a) the council of a municipality and the trustees of a police village may by by-law approved by the Department provide for the erection of stop signs at intersections on highways under its jurisdiction; and

(b) the Lieutenant Governor in Council may by regulation designate intersections on the King's Highway at which stop signs shall be erected,

and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950,  
c. 167, s. 75,  
amended

**19.** Section 75 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Re-  
examination

- (4) The holder of an operator's licence shall submit to such examination in respect of the operation of a

motor

motor vehicle as and when required by the Minister and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3.

**20.** Subsection 3 of section 110 of *The Highway Traffic Act* <sup>R.S.O. 1950, c. 167, s. 110, subs. 3, amended</sup> is amended by striking out "to the Registrar" in the seventh line and inserting in lieu thereof "and shall forward such report to the Registrar within ten days of the accident", so that the subsection shall read as follows:

- (3) A police officer receiving a report of an accident, as <sup>Duty of police officer</sup> required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident and shall forward such report to the Registrar within ten days of the accident.

**21.**—(1) Section 12, subsections 7 and 8 of section 15 and <sup>Commence-</sup> section 18 come into force on the day this Act receives Royal Assent.

- (2) Section 17 comes into force on the 1st day of July, 1960. *Idem*

**22.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup> *ment Act, 1960.*





## CHAPTER 46

**An Act to amend  
The Homes for the Aged Act, 1955**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 18 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: <sup>1955, c. 30, s. 18, subs. 1, re-enacted</sup>

- (1) Every resident of a home or joint home having financial circumstances as prescribed in the regulations shall reimburse the authority responsible for the payment of the cost of his maintenance. <sup>Reimbursement for maintenance cost</sup>

**2.** Subsection 1 of section 23 of *The Homes for the Aged Act, 1955*, as re-enacted by subsection 1 of section 4 of *The Homes for the Aged Amendment Act, 1958*, is amended by inserting after "amount" in the tenth line "to be computed in accordance with the regulations", so that the subsection shall read as follows: <sup>1955, c. 30, s. 23, subs. 1 (1958, c. 38, s. 4, subs. 1), amended</sup>

- (1) When the Minister grants his approval under section 9 to the acquisition, erection or alteration of a building for use as a home or joint home, or to an alteration to or in any building or to the grounds of the home or joint home or when the home or joint home incurs such other capital expenditures as are prescribed in the regulations, the Lieutenant Governor in Council may direct payment out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of the cost thereof to the treasurer of the home or joint home. <sup>Provincial subsidy on capital expenditures</sup>

**3.—(1)** Subsection 1 of section 26 of *The Homes for the Aged Act, 1955*, as amended by section 6 of *The Homes for* <sup>1955, c. 30, s. 26, subs. 1, amended</sup>

*the Aged Amendment Act, 1958*, is further amended by adding thereto the following clause:

- (dd) prescribing the financial circumstances of residents of homes or joint homes for the purposes of subsection 1 of section 18.

1955, c. 30,  
s. 26, subs. 1,  
cl. ff (1958,  
c. 38, s. 6,  
subs. 2),  
re-enacted

(2) Clause ff of subsection 1 of the said section 26, as enacted by subsection 2 of section 6 of *The Homes for the Aged Amendment Act, 1958*, is repealed and the following substituted therefor:

- (ff) prescribing capital expenditures and the manner of computing the amount of grants for the purposes of subsection 1 of section 23 and the method, time and manner of payment under subsection 2 of section 23.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Homes for the Aged Amendment Act, 1960*.

## CHAPTER 47

**An Act to amend  
The Hospital Services Commission Act, 1957**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 15*d* of *The Hospital Services Commission Act, 1957*, as enacted by section 7 of *The Hospital Services Commission Amendment Act, 1958*, is amended by striking out “\$25 and not more than \$200” in the fifth line and inserting in lieu thereof “\$100 and not more than \$1,000”, so that subsection 1 of the section shall read as follows:

(1) Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000.

(2) The said section 15*d* is further amended by adding thereto the following subsection:

(2) Where the offence is the failure by an employer to remit on behalf of himself and his employees the premiums required by the regulations, the penalty imposed under subsection 1 shall be increased by an amount equal to the amount of such premiums, and, upon payment of the penalty as so increased, the employer shall be deemed to have remitted such premiums.

**2.** *The Hospital Services Commission Act, 1957* is amended by adding thereto the following sections:

15*dd*. The fines recovered for offences against this Act shall be paid over to the Commission.

Protection  
from being  
called as  
witnesses

15ddd.—(1) No member of the Commission and no employee thereof shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties.

Protection  
from  
personal  
liability

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him under the authority of this Act, any other Act or any regulation.

Security  
of records

15dddd. The Commission shall not be required to make available for evidence in any civil suit any information concerning a patient obtained by the Commission from,

(a) the records of a hospital, including a hospital under Part III of this Act; or

(b) a statement made to inform the Commission about an incident that caused an insured person to require care and treatment in a hospital.

1957, c. 46,  
s. 15f  
(1958, c. 39,  
s. 7), subs. 3  
repealed

**3.** Subsection 3 of section 15f of *The Hospital Services Commission Act, 1957*, as enacted by section 7 of *The Hospital Services Commission Amendment Act, 1958*, is repealed.

Commence-  
ment

**4.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1960.

Short title

**5.** This Act may be cited as *The Hospital Services Commission Amendment Act, 1960*.

CHAPTER 48

An Act to amend The Hospitals Tax Act

Assented to April 12th, 1960  
Session Prorogued April 12th, 1960

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Hospitals Tax Act*, as re-enacted by section 3 of *The Hospitals Tax Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950, c. 170, s. 3 (1955, c. 31, s. 3), subs. 1, re-enacted

- (1) Every purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows:

Tax on admission to places of amusement

Price of Admission						Tax	
More than 25 cents and not more than 34 cents						— 2 cents	
" " 34 "	"	"	"	"	48 "	— 3 "	
" " 48 "	"	"	"	"	52 "	— 4 "	
" " 52 "	"	"	"	"	61 "	— 5 "	
" " 61 "	"	"	"	"	65 "	— 6 "	
" " 65 "	"	"	"	"	74 "	— 7 "	
" " 74 "	"	"	"	"	84 "	— 8 "	
" " 84 "	"	"	"	"	94 "	— 9 "	

and, where the price of admission is more than 94 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as 1 cent.

- (1a) The tax imposed by subsection 1 on a price of admission less than 66 cents does not apply to the purchaser of admission to a place of amusement, other than a Class D theatre as defined in *The Theatres Act, 1953*, that is situated outside the Metropolitan Area within the meaning of *The Municipality of Metropolitan Toronto Act, 1953*, any city and any municipality that has a population of more than 10,000 as shown by its last revised assessment roll and that is designated by the regulations.

R.S.O. 1950,  
c. 170, s. 25,  
amended

**2.** Section 25 of *The Hospitals Tax Act* is amended by adding thereto the following clause:

(cc) designating municipalities for the purposes of sub-section 1a of section 3.

Commence-  
ment

**3.** This Act comes into force on the 1st day of April, 1960.

Short title

**4.** This Act may be cited as *The Hospitals Tax Amendment Act, 1960*.



## CHAPTER 49

## An Act to amend The Industrial Farms Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Industrial Farms Act* is amended by striking out "an officer authorized by the Lieutenant-Governor in that behalf, or" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1950, c. 178, s. 5, subs. 1, amended

- (1) Prisoners who are convicted of offences against any Act of the Legislature or against a municipal by-law, or who may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, from any common or district jail, or from any other place of legal custody, to an industrial farm. Transfer from jail to industrial farm

2.—(1) Subsection 1 of section 12 of *The Industrial Farms Act* is repealed. R.S.O. 1950, c. 178, s. 12, subs. 1, repealed

(2) Subsection 2 of the said section 12 is amended by striking out "costs and expenses mentioned in subsection 1" in the third and fourth lines and inserting in lieu thereof "cost of the maintenance of the joint industrial farm, including the salaries of the superintendent and officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto", so that the subsection shall read as follows: R.S.O. 1950, c. 178, s. 12, subs. 2, amended

- (2) In the case of a joint industrial farm, the counties or cities by which it is established shall provide, by agreement, the proportions in which the cost of the maintenance of the joint industrial farm, including the salaries of the superintendent and officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental

thereto,

thereto, shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of the agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years.

R.S.O. 1950,  
c. 243

Short title

**3.** This Act may be cited as *The Industrial Farms Amendment Act, 1960*.

## CHAPTER 50

## An Act to amend The Insurance Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 197 of *The Insurance Act*, as amended by R.S.O. 1950, c. 183, s. 197, amended section 9 of *The Insurance Amendment Act, 1951* and section 6 of *The Insurance Amendment Act, 1957*, is further amended by adding thereto the following subsection:

- (2) In clause *a* of statutory condition 3, “radioactive material” means, Interpretation
- (a) spent nuclear fuel rods that have been exposed to radiation in a nuclear reactor;
  - (b) radioactive waste material;
  - (c) unused nuclear fuel rods;
  - (d) any other radioactive material of such a quality as to be harmful to person or property if its container were destroyed or damaged.

(2) Clause *a* of statutory condition 3 in the said section 197, as re-lettered by subsection 2 of section 9 of *The Insurance Amendment Act, 1951*, is amended by inserting after “explosives” in the first line “or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto”, so that the clause shall read as follows: R.S.O. 1950, c. 183, s. 197, stat. con. 3, cl. a, amended

- (a) to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto; or

. . . . .

R.S.O. 1950,  
c. 183, s. 207  
(1951, c. 39,  
s. 11),  
amended

**2.** Section 207 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1951*, is amended by adding thereto the following subsection:

Death of  
person  
named in  
owner's  
policy

(2a) In the event of the death of the person named in an owner's policy, the following persons shall be deemed to be the insured under the policy:

1. The spouse of the deceased insured if residing in the same dwelling premises at the time of his death.
2. As respects the specifically described automobile and a newly acquired automobile where the automobile was acquired by the deceased insured prior to his death, and a temporary substitute automobile, all as defined by the policy,
  - i. any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,
  - ii. the personal representative of the deceased insured.

R.S.O. 1950,  
c. 183,  
amended

**3.** *The Insurance Act* is amended by adding thereto the following section:

Interpre-  
tation

210a.—(1) In this section, the expression “nuclear energy hazard” means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act* (Canada).

R.S.C. 1952,  
c. 11

Nuclear  
energy  
hazard,  
liability  
where re-  
insurance

(2) Where an insured is covered, whether named therein or not, under a policy of automobile liability insurance for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to such loss or damage,

- (a) the automobile liability insurance is excess to the nuclear energy hazard liability insurance and the insurer under the policy of automobile liability insurance is not liable to pay beyond the minimum limits prescribed by section 211; and

(b)

(b) the unnamed insured under the policy of nuclear energy hazard liability insurance may, with respect to such loss or damage, recover indemnity under that insurance in the same manner and to the same extent as if named therein as the insured and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

(3) For the purpose of this section, a policy of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

When policy  
deemed  
in force

4. Schedule A to *The Insurance Act*, as amended by section 22 of *The Insurance Amendment Act, 1951*, section 7 of *The Insurance Amendment Act, 1953* and regulation 1 of Ontario Regulations 45/54, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 183,  
Sched. A,  
re-enacted

SCHEDULE A

(Section 86)

INSURERS

(Section 23)

1. Licences and annual renewals thereof:

(1) Mutual benefit societies,	
(a) having fewer than 300 members.....	\$ 10
(b) having 300 members or over.....	20
(2) Pension fund associations.....	100
(3) Fraternal societies,	
(a) where the assets of the society do not exceed \$100,000	50
(b) where the assets of the society exceed \$100,000 but do not exceed \$500,000.....	100
(c) where the assets of the society exceed \$500,000 but do not exceed \$1,000,000.....	150
(d) where the assets of the society exceed \$1,000,000 but do not exceed \$10,000,000.....	200
(e) where the assets of the society exceed \$10,000,000..	250

but the fee shall not exceed \$150 if the premium income, including dues, in Ontario does not exceed \$50,000 as shown in the last annual statement of the society required to be filed with the Superintendent under section 74.

(4) Reciprocal or inter-insurance exchanges.....	200
--	-----

(5)

(5) Mutual insurance corporations without guarantee capital stock, incorporated for the purpose of undertaking contracts of fire insurance upon agricultural property, weather insurance or live stock insurance, on the premium note plan,	
(a) where the gross amount at risk does not exceed \$1,000,000.....	\$ 25
(b) where the gross amount at risk exceeds \$1,000,000 but does not exceed \$5,000,000.....	50
(c) where the gross amount at risk exceeds \$5,000,000 but does not exceed \$10,000,000.....	75
(d) where the gross amount at risk exceeds \$10,000,000 but does not exceed \$20,000,000.....	100
(e) where the gross amount at risk exceeds \$20,000,000 but does not exceed \$30,000,000.....	150
(f) where the gross amount at risk exceeds \$30,000,000 but does not exceed \$40,000,000.....	200
(g) where the gross amount at risk exceeds \$40,000,000 but does not exceed \$50,000,000.....	250
(h) where the gross amount at risk exceeds \$50,000,000	300

NOTE.—“gross amount at risk” means gross amount at risk in Ontario as at the 31st December next preceding the application for licence or renewal thereof.

(6) The Non-Marine Underwriters Members of Lloyd's, London.....	500
(7) Insurers authorized to transact live stock insurance exclusively.....	100
(8) Insurers undertaking reinsurance exclusively.....	100
(9) Insurers not included within sub-items 1 to 8,	
(a) where the assets of the insurers do not exceed \$500,000.....	200
(b) where the assets of the insurers exceed \$500,000 but do not exceed \$1,000,000.....	250
(c) where the assets of the insurers exceed \$1,000,000 but do not exceed \$5,000,000.....	300
(d) where the assets of the insurers exceed \$5,000,000 but do not exceed \$10,000,000.....	400
(e) where the assets of the insurers exceed \$10,000,000 but do not exceed \$20,000,000.....	450
(f) where the assets of the insurers exceed \$20,000,000..	500

but the fee shall not exceed \$300 if the net premiums written in Ontario, including considerations for annuities, do not exceed \$50,000 as shown in the last annual statement of the insurer required to be filed with the Superintendent under section 74.

NOTE.—The assets of a Fraternal Society and of an insurer as used in this item mean, if its head office is in Canada, the total gross assets of the insurer wherever situate, as exhibited by the balance sheet of



the insurer at the end of the last preceding accounting period of the insurer, and as issued to the public in Canada, or, if its head office is not in Canada, the equivalent in Canadian currency at the current rate of exchange of its total assets exhibited by the head office balance sheet in the currency of the country where its head office is situate.

2. Renewal of licence of insurers that have discontinued under-taking or renewing insurance contracts in the Province, except mutual benefit societies and insurers renewing life insurance policies. \$ 20

3. Examining and passing upon applications for initial licence (section 23):

(1) Mutual benefit societies. . . . . 20

(2) All others. . . . . 50

4. Amendment of licence. . . . . 20

5. Order in Council withdrawing or transferring deposit (sections 45 and 71). . . . . 50

6. Substitution of securities on deposit (except matured securities) calculated on the par value of securities withdrawn (section 43):

Under \$10,000. . . . . 10

\$10,000 and under \$25,000. . . . . 20

\$25,000 and over. . . . . 25

7. Filing annual statements (section 74) . . . . . 10

8. Extension of time not exceeding seven days or any renewal thereof not exceeding seven days, for filing annual statement, applications for renewal of licence, or any other document or information required under this Act, but the Superintendent may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed. . . . . 10

9. Licences and renewals thereof to issue contracts of insurance through an underwriters agency, term to expire on the 30th day of June in each year (section 80). . . . . 150

10. Order in Council authorizing bonds for Court purposes (section 19). . . . . 200

11. Order in Council authorizing society to hold land (section 77). 25

#### *AGENTS, BROKERS AND ADJUSTERS*

*(Sections 290, 291, 293 and 297)*

12. Licence for life insurance or life and accident insurance or life and accident and sickness insurance,

(a) where the applicant is a resident of Ontario. . . . . 10

(b) where the applicant is not a resident of Ontario,

(i) if he resides in a province or state that grants licences to residents of Ontario, the same fee as is payable by resident of that province or state for a similar licence in the province or state, or \$10 whichever is the greater,

(ii)

(ii) if he resides in a province or state that does not grant licences to residents of Ontario.....	\$ 50
(c) transfer or revival of licence.....	2
13. Licences for any class of insurance other than life insurance and renewals thereof,	
(a) where the applicant carries on business in a municipality having a population in excess of 10,000 according to the last revised assessment roll .....	25
(b) where the applicant carries on business in a municipality having a population of less than 10,000 according to the last revised assessment roll .....	15
(c) where the applicant is not a transportation company, and the licence is expressly limited to accident insurance, or accident and sickness insurance, or travel-accident and baggage insurance, or customs bonds..	10
(d) where the applicant is not a resident of Ontario and resides in a province or state that,	
(i) grants licences to residents of Ontario.....	25
(ii) does not grant licences to residents of Ontario..	50
14. Licences for insurance brokers and renewals thereof .....	25
15. Licences for special insurance brokers for business with unlicensed insurers and renewals thereof .....	50
16. Licences for insurance adjusters and renewals thereof: Each sole proprietor, partnership or corporation..... and \$15 for each active member thereof.	50
17. Licences under subsection 20 of section 290 in the name of a transportation company authorizing its ticket agent to act as agent for railway accident insurance, live stock insurance or baggage insurance and renewals thereof .....	25

#### MISCELLANEOUS

18. Certificate of Superintendent.....	2
19. Copies of or extracts from documents filed with or issued by the Superintendent, per folio of 100 words.....	1
20. Certified copy of licence.....	2
21. Where the fee payable for any licence under section 23 or 80 exceeds \$15, the fee for a period of six months or under shall be one-half of the fee payable for the full term.	
22. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

Commence-  
ment

**5.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**6.** This Act may be cited as *The Insurance Amendment Act, 1960*.

## CHAPTER 51

## An Act to amend The Interpretation Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Interpretation Act* is repealed. R.S.O. 1950,  
c. 184, s. 22,  
repealed
2. This Act may be cited as *The Interpretation Amendment* Short title  
*Act, 1960.*



CHAPTER 52

An Act to amend The Judicature Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 190, s. 17,  
re-enacted

- 17.—(1) In this section, “labour dispute” means a dispute or difference between an employer and one or more employees as to matters or things affecting or relating to work done or to be done by the employee or employees or as to the terms and conditions of employment or the rights, privileges or duties of the employer or the employee or employees. Interpre-  
tation
- (2) An interim injunction to restrain a person from any act in connection with a labour dispute shall be granted only upon at least two days notice to the person or persons to be affected thereby and shall not be for a longer period than four days. Interim  
injunction
- (3) An interim injunction under subsection 2 may be granted *ex parte* where the court is satisfied that a breach of the peace, injury to the person or damage to property has occurred or an interruption of an essential public service has occurred or is likely to occur. *Ex parte*  
application
- (4) Where the employee or employees to be affected by an interim injunction under this section are members of a labour organization, the notice under subsection 2 shall be deemed to have been given to such employee or employees if personal service thereof is effected upon an officer or agent of such labour organization. Service of  
notice
- (5) Where the employee or employees to be affected by an interim injunction under this section are not

members

members of a labour organization, the notice under subsection 1 shall be deemed to have been given to the employee or employees to be affected by the interim injunction if the notice is posted up in a conspicuous place on the business premises of the employer where it can be read by such employee or employees.

Idem

- (6) Where some of the employees to be affected by an interim injunction under this section are members of a labour organization and others are not, the notice under subsection 2 shall be deemed to have been given to all such employees if subsections 4 and 5 are complied with.

R.S.O. 1950,  
c. 190, s. 45,  
subs. 5,  
re-enacted

**2.** Subsection 5 of section 45 of *The Judicature Act* is repealed and the following substituted therefor:

Sittings  
to be held  
in court  
house

- (5) The sittings shall be held in the court house of the county or, where accommodation therein is not available, at such other place in the county as the presiding judge directs.

R.S.O. 1950,  
c. 190, s. 87,  
amended

**3.** Section 87 of *The Judicature Act* is amended by striking out "county town" in the second and third lines and inserting in lieu thereof "court house", so that the section shall read as follows:

Local  
master to  
keep office  
in court  
house

87. Unless otherwise directed by the Lieutenant Governor in Council, every local master shall keep his office in the court house of the county for which he is appointed.

R.S.O. 1950,  
c. 190,  
s. 105,  
subs. 5,  
re-enacted

**4.** Subsection 5 of section 105 of *The Judicature Act* is repealed and the following substituted therefor:

Investment  
of money

- (5) Any money that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Judicature Amendment Act, 1960*.



## CHAPTER 53

**An Act to amend  
The Juvenile and Family Courts Act, 1959**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Juvenile and Family Courts Act, 1959* is amended <sup>1959, c. 49,  
amended</sup> by adding thereto the following section:

4a. Every judge and deputy judge of a juvenile and family court heretofore or hereafter appointed is *ex officio* a judge or deputy judge, as the case may be, of every juvenile and family court and may sit and act in any such court as though he had been appointed to it. <sup>Extended  
jurisdiction</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 54

## An Act to amend The Labour Relations Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 2 of *The Labour Relations Act* is amended by striking out “horticulture” in the first line. R.S.O. 1950, c. 194, s. 2, cl. *b*, amended

(2) The said section 2 is amended by adding thereto the following clause: R.S.O. 1950, c. 194, s. 2, amended

(*bb*) to any person, other than an employee of a municipality or a person employed in silvaculture, who is employed in horticulture by an employer whose primary business is agriculture or horticulture.

**2.** Section 5 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 5, re-enacted

**5.**—(1) Where no trade union has been certified as bargaining agent of the employees of an employer in a unit that a trade union claims to be appropriate for collective bargaining and the employees in the unit are not bound by a collective agreement, a trade union may, subject to section 44, apply at any time to the Board for certification as bargaining agent of the employees in the unit. Application for certification

(2) Where a collective agreement is for a term of not more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation. Idem

(3) Where a collective agreement is for a term of more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in Idem

the

the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be.

Idem

- (4) Where a collective agreement referred to in subsection 2 or 3 provides that it shall continue to operate for a further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,  
c. 194, s. 6,  
subs. 2,  
amended

3. Subsection 2 of section 6 of *The Labour Relations Act*, as amended by subsection 2 of section 2 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end of the amendment of 1954 "but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made", so that the subsection shall read as follows:

Craft units

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made.

4.—(1) Subsection 1 of section 7 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 7, subs. 1, re-enacted

- (1) Upon an application for certification, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and the number of employees in such unit who were members of the trade union at such time as is determined under clause *i* of subsection 2 of section 67. Determination of number of members in bargaining unit

(2) Subsection 2 of the said section 7 is amended by striking out "on an examination under subsection 1" in the first line, so that the subsection shall read as follows: R.S.O. 1950, c. 194, s. 7, subs. 2, amended

- (2) If the Board is satisfied that not less than 45 per cent and not more than 55 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and, if the Board is satisfied that more than 55 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken. Representation vote

5. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950, c. 194, amended

- 7a.—(1) Upon an application for certification, the trade union may request that a pre-hearing representation vote be taken. Pre-hearing votes
- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board, on an examination of the records of the trade union and the records of the employer, that not less than 45 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency. Voting constituency
- (3) The Board may direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions. Sealing of ballot box
- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 45 per cent of the employees in such bargaining unit were

members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

R.S.O. 1950,  
c. 194, s. 9,  
amended

**6.** Section 9 of *The Labour Relations Act* is amended by adding at the end thereof "or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin", so that the section shall read as follows:

What unions  
not to be  
certified

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

R.S.O. 1950,  
c. 194, s. 12  
(1954, c. 42,  
s. 5),  
re-enacted;  
s. 13,  
repealed

**7.** Section 12, as re-enacted by section 5 of *The Labour Relations Act, 1954* and amended by section 1 of *The Labour Relations Amendment Act, 1956* and section 2 of *The Labour Relations Amendment Act, 1957*, and section 13, as amended by section 6 of *The Labour Relations Amendment Act, 1954* and section 3 of *The Labour Relations Amendment Act, 1957*, of *The Labour Relations Act* are repealed and the following substituted therefor:

Request for  
conciliation  
services

12.—(1) Either party may file with the Board a request that conciliation services be made available to the parties.

Where  
request  
may be  
granted

(2) Where thirty-five or more days have elapsed from the giving of the notice under section 10 or 38 or upon the joint request of the parties or where the Board is satisfied that no progress in bargaining is being made, the Board shall grant the request, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

Idem

(3) Where the parties have met and bargained, the Board may grant the request for conciliation services notwithstanding the failure of the trade union to give written notice under section 10 or the failure of either party to give written notice under section 38.

Where  
request may  
be denied

(4) The Board may deny the request where during bargaining the trade union has not been represented by a bargaining committee.



## (5) A bargaining committee,

Composition  
of bargaining  
committee

- (a) shall consist of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, shall consist of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, shall consist of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization or a group of employers bargaining jointly, shall consist of employees of the employer or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,

and in any case a bargaining committee may include one or more officers or other representatives of the trade union.

- (6) Notwithstanding subsection 5, where a bargaining unit consists of not more than fifteen employees, the bargaining committee may consist of one of such employees.

8.—(1) Subsection 1 of section 14 of *The Labour Relations Act* is amended by adding at the end thereof "or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 194, s. 14,  
subs. 1,  
amended

- (1) Where the Board grants a request for conciliation services, the Minister shall forthwith appoint a conciliation officer or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly.

Appoint-  
ment of  
conciliation  
officer or  
mediator

R.S.O. 1950,  
c. 194, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out "The conciliation officer" in the first line and inserting in lieu thereof "Where a conciliation officer is appointed, he", so that the subsection shall read as follows:

duties

(2) Where a conciliation officer is appointed, he shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister.

R.S.O. 1950,  
c. 194, s. 18,  
amended

**9.** Section 18 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Appoint-  
ment of  
new member  
in place  
of member

(2) If in the opinion of the Minister a member of a conciliation board has failed to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person.

Appoint-  
ment of  
new  
chairman

(3) If the chairman of a conciliation board is unable to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, he shall advise the Minister of his inability and the Minister may appoint a person to act as chairman in his place.

R.S.O. 1950,  
c. 194,  
amended

**10.** *The Labour Relations Act* is amended by adding thereto the following section:

Minister  
to be  
informed  
of first  
sitting

23a. The chairman of a conciliation board shall in writing, immediately upon the conclusion of its first sitting, inform the Minister of the date on which such sitting was held.

R.S.O. 1950,  
c. 194, s. 27,  
subs. 1, 2,  
re-enacted

**11.—**(1) Subsections 1 and 2 of section 27 of *The Labour Relations Act* are repealed and the following substituted therefor:

When  
report to  
be made

(1) A conciliation board shall report its findings and recommendations to the Minister within thirty days after its first sitting.

Extension  
of 30-day  
period

(2) The period mentioned in subsection 1 may be extended,

(a) by agreement of the parties for such further period, not exceeding ninety days except with the consent of the Minister, as they deem desirable; or

(b)

- (b) by the Minister at the request of the chairman of the conciliation board for such further period, not exceeding thirty days, as the chairman deems desirable.

- (2a) The report of the majority constitutes the report<sup>Report</sup> of the conciliation board, but, where there is no majority agreement or where the board is unable to report within the time allowed under subsection 1 or 2, the chairman shall notify the Minister in writing that there has been no agreement or that the board is unable to report, as the case may be, and in either of such cases the notification constitutes the report of the board.

(2) Subsection 4 of the said section 27 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 194, s. 27,  
subs. 4,  
re-enacted

- (4) On receipt of the report of the conciliation board or the mediator, the Minister shall forthwith release<sup>Copies of reports to parties</sup> a copy thereof to each of the parties.

**12.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1950  
c. 194,  
amended

- 28.—(1) Where a mediator is appointed, he shall confer<sup>Duty of mediator</sup> with the parties and endeavour to effect a collective agreement.

- (2) A mediator has all the powers of a conciliation board<sup>Powers</sup> under section 26.

- (3) Sections 23a and 27 apply *mutatis mutandis* to a mediator.<sup>Sections 23a and 27 apply</sup>

- (4) The report of a mediator has the same effect as the<sup>Report</sup> report of a conciliation board.

- (5) The remuneration and expenses of a mediator<sup>Remuneration</sup> shall be borne equally by the parties.

**13.** Section 29 of *The Labour Relations Act* is amended by striking out “or conciliation board” in the first line and by striking out “or conciliation board or terminate the authority of the conciliation board under this Act” in the fourth and fifth lines, so that the section shall read as follows:

R.S.O. 1950,  
c. 194, s. 29,  
amended

29. Failure of a conciliation officer to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer.<sup>Failure of conciliation officer to report</sup>

R.S.O. 1950,  
c. 194, s. 32,  
amended

**14.** Section 32 of *The Labour Relations Act*, as amended by section 8 of *The Labour Relations Amendment Act, 1954* and section 1 of *The Labour Relations Amendment Act, 1958*, is further amended by adding thereto the following subsections:

Where  
decision of  
arbitrator  
unduly  
delayed

(3c) Where a difference has been submitted to arbitration under this section and a party to the arbitration complains to the Minister that the arbitrator or the arbitration board, as the case may be, has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the arbitrator or the arbitration board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered in the matter without further undue delay.

Powers of  
arbitrators,  
chairmen of  
arbitration  
boards, and  
arbitration  
boards

(3d) An arbitrator or the chairman of an arbitration board, as the case may be, has power,

(a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath in the same manner as a court of record in civil cases; and

(b) to administer oaths,

and an arbitrator or an arbitration board, as the case may be, has power,

(c) to accept such oral or written evidence as the arbitrator or the arbitration board, as the case may be, in its discretion deems proper, whether admissible in a court of law or not;

(d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to him or it, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences;

(e) to authorize any person to do anything that the arbitrator or arbitration board may do under clause d and to report to the arbitrator or the arbitration board thereon.

. . . . .



- (4a) Where a party, employer, trade union or employee has failed to comply with any of the terms of the decision of an arbitrator or arbitration board, any party, employer, trade union or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

**15.**—(1) Subsection 1 of section 33 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1954*, is further amended by inserting after “Act” in the first line “but subject to subsection 4”, so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Notwithstanding anything in this Act, but subject to subsection 4, the parties to a collective agreement may include in it provisions,

. . . . .

(2) Subsection 2 of the said section 33 is repealed and the following substituted therefor:

- (2) No employer shall discharge an employee,
- (a) who has been expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1; or
  - (b) to or from whom membership in the trade union mentioned in clause *a* of subsection 1 has been denied or withheld,

because he was or is a member in another trade union or has engaged in activity against the trade union mentioned in clause *a* of subsection 1 or on behalf of another trade union.

- (3) Subsection 2 does not apply to an employee who has engaged in unlawful activity against the trade union mentioned in clause *a* of subsection 1 or any officer, official or agent thereof or whose activity against such trade union or on behalf of another trade union

has

has been instigated or procured by his employer or any person acting on his employer's behalf or whose employer or any person acting on his employer's behalf has participated in such activity or contributed financial or other support to the employee in respect of such activity.

Union  
security  
provision  
in first  
agreement

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 55 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

- (a) where the trade union has been certified as the bargaining agent of the employees of the employer in the bargaining unit; or
- (b) where the trade union has been a party to or bound by a collective agreement with the employer for at least one year; or
- (c) where the employer becomes a member of an employers' organization that has entered into a collective agreement with the trade union or council of trade unions containing such a provision and agrees with the trade union or council of trade unions to be bound by such agreement; or
- (d) where the employer and his employees in the bargaining unit are engaged in the construction, alteration, decoration, repair or demolition of a building, structure, road, sewer, water or gas main, pipe line, tunnel, bridge, canal, or other work at the site thereof.

R.S.O. 1950,  
c. 194, s. 34,  
cl. b,  
amended

**16.** Clause *b* of section 34 of *The Labour Relations Act* is amended by striking out "or" in the second line and by adding at the end thereof "colour, nationality, ancestry or place of origin", so that the clause shall read as follows:

- (b) if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.



17. Section 37 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 194, s. 37, amended

- (3a) Notwithstanding anything in this section, where an Idem employer joins an employers' organization that is a party to a collective agreement with a trade union or council of trade unions and he agrees with the trade union or council of trade unions to be bound by the collective agreement between the trade union or council of trade unions and the employers' organization, the agreement ceases to be binding upon the employer and the trade union or council of trade unions at the same time as the agreement between the employers' organization and the trade union or council of trade unions ceases to be binding.

18.—(1) Subsection 3 of section 38 of *The Labour Relations Act*, as amended by subsection 1 of section 11 of *The Labour Relations Amendment Act, 1954*, is further amended by adding R.S.O. 1950, c. 194, s. 38, subs. 3, amended at the end thereof "or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member", so that the subsection shall read as follows:

- (3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member. Effect of notice

(2) Subsection 4 of the said section 38, as enacted by subsection 2 of section 11 of *The Labour Relations Amendment Act, 1954*, is amended by adding at the end thereof "or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate", so that the subsection shall read as follows: R.S.O. 1950, c. 194, s. 38, subs. 4, (1954, c. 42, s. 11, subs. 2), amended

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate. Idem

R.S.O. 1950,  
c. 194, s. 40,  
subss. 1-3  
(1958, c. 47,  
s. 2),  
repealed

**19.**—(1) Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act*, as re-enacted by section 2 of *The Labour Relations Amendment Act, 1958*, are repealed.

R.S.O. 1950,  
c. 194, s. 40,  
subs. 4,  
amended

(2) Subsection 4 of the said section 40 is amended by striking out “1, 2, or 3” in the second line and inserting in lieu thereof “2, 3 or 4 of section 5”.

R.S.O. 1950,  
c. 194, s. 41,  
subs. 3,  
re-enacted

**20.**—(1) Subsection 3 of section 41 of *The Labour Relations Act*, as amended by subsection 1 of section 4 of *The Labour Relations Amendment Act, 1957*, is repealed and the following substituted therefor:

Representa-  
tion vote

(3) Upon an application under subsection 1 or 2, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and whether not less than 50 per cent of the employees in the bargaining unit have voluntarily signified in writing at such time as is determined under clause *i* of subsection 2 of section 67 that they no longer wish to be represented by the trade union, and, if not less than 50 per cent have so signified, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

R.S.O. 1950,  
c. 194, s. 41,  
subs. 4,  
amended

(2) Subsection 4 of the said section 41, as amended by subsection 2 of section 4 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out “and in other cases if the Board is satisfied that more than 50 per cent of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union” in the amendment of 1957, so that the subsection shall read as follows:

Declaration  
of termina-  
tion of  
representa-  
tion

(4) If on the taking of the representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

R.S.O. 1950,  
c. 194, s. 41,  
amended

(3) The said section 41 is amended by adding thereto the following subsection:

Idem

(4a) Upon an application under subsection 1 or 2, where the trade union concerned informs the Board that it does not desire to continue to represent the employees in the bargaining unit, the Board may declare that the trade union no longer represents the employees in the bargaining unit.

(4) Subsection 6 of the said section 41 is amended by inserting after "4" in the second line "or 4a", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 41,  
subs. 6,  
amended

(6) Upon the Board making a declaration under sub-section 4 or 4a, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. Declaration  
to terminate  
agreement

**21.** *The Labour Relations Act* is amended by inserting at the head of section 44 the following heading: R.S.O. 1950,  
c. 194,  
amended

#### TIMELINESS OF REPRESENTATION APPLICATIONS

**22.**—(1) Clause *a* of subsection 1 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 194, s. 44  
(1954, c. 42,  
s. 12),  
subs. 1,  
cl. a,  
re-enacted

(a) unless a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties; or

. . . . .

(2) Subclause ii of clause *b* of subsection 2 of the said section 44 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 194, s. 44  
(1954, c. 42,  
s. 12),  
subs. 2,  
cl. b, subcl. ii,  
re-enacted

(ii) a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties, or

. . . . .

**23.** *The Labour Relations Act* is amended by inserting at the head of section 44a the following heading: R.S.O. 1950,  
c. 194,  
amended

#### SUCCESSOR RIGHTS

**24.** Section 45 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 194, s. 45,  
re-enacted

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation, selection or administration of a trade union or the representation of employees by a trade union or contribute financial or other support to a trade union, but nothing in this section shall be deemed to deprive an employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Employers,  
etc., not  
to interfere  
with unions

R.S.O. 1950,  
c. 194, s. 49,  
subs. 2,  
amended

**25.**—(1) Subsection 2 of section 49 of *The Labour Relations Act*, as amended by section 14 of *The Labour Relations Amendment Act, 1954*, is further amended by striking out “the conciliation board has reported to the Minister” in the eighth and ninth lines and inserting in lieu thereof “the report of the conciliation board or the mediator has been released by the Minister to the parties”, so that the subsection shall read as follows:

No agree-  
ment

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer or, in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

R.S.O. 1950,  
c. 194, s. 49,  
amended

(2) The said section 49 is amended by adding thereto the following subsection:

Strike vote  
to be  
secret

(3) A strike vote taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

R.S.O. 1950,  
c. 194,  
amended

**26.** *The Labour Relations Act* is amended by adding thereto the following section:

Causing  
unlawful  
strikes,  
lockouts

**51a.**—(1) No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike or an unlawful lockout.

Application  
of subs. 1

(2) Subsection 1 does not apply to any act done in connection with a lawful strike or lawful lockout.

R.S.O. 1950,  
c. 194, s. 53  
(1954, c. 42,  
s. 16),  
subs. 1,  
cl. a,  
amended

**27.** Clause *a* of subsection 1 of section 53 of *The Labour Relations Act*, as re-enacted by section 16 of *The Labour Relations Amendment Act, 1954*, is amended by striking out “conciliation board has reported to the Minister” in the second and third lines and inserting in lieu thereof “report of the conciliation board or the mediator has been released by the Minister to the parties”, so that the clause shall read as follows:



- (a) until conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

**28.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

- 53a.—(1) A provincial, national or international trade union that assumes supervision or control over a subordinate trade union, whereby the autonomy of such subordinate trade union under the constitution or by-laws of the provincial, national or international trade union is suspended, shall, within sixty days after it has assumed supervision or control over the subordinate trade union, file with the Board a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Board, file such additional information concerning such supervision and control as the Minister from time to time requires. Trusteeship  
over local  
unions
- (2) Where a provincial, national or international trade union has assumed supervision or control over a subordinate trade union, such supervision or control shall not continue for more than twelve months from the date of such assumption, but such supervision or control may be continued for a further period of twelve months with the consent of the Board. Duration of  
trusteeship
- (3) Notwithstanding anything in this section, where supervision or control over a subordinate trade union has been assumed by a provincial, national or international trade union before the date on which this section came into force, the report required by subsection 1 shall be filed within sixty days after such date and the supervision or control shall not continue for more than twelve months from such date, but the supervision or control may be continued for a further period of twelve months with the consent of the Board. Existing  
trusteeship

**29.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

- 55a. Every trade union shall upon the request of any member furnish him, without charge, with a copy of the audited financial statement of its affairs Duty of  
union to  
furnish  
financial  
statement  
to members

to the end of its last fiscal year certified by its treasurer or other officer responsible for the handling and administration of its funds to be a true copy, and, upon the complaint of any member that the trade union has failed to furnish such a statement to him, the Board may direct the trade union to file with the Registrar, within such time as the Board determines, a copy of the audited financial statement of its affairs to the end of its last fiscal year verified by the affidavit of its treasurer or other officer responsible for the handling and administration of its funds and to furnish a copy of such statement to such members of the trade union as the Board in its discretion directs, and the trade union shall comply with such direction according to its terms.

R.S.O. 1950,  
c. 194,  
ss. 57, 58,  
re-enacted

**30.** Sections 57 and 58 of *The Labour Relations Act* are repealed and the following substituted therefor:

Inquiry by  
field officer

57.—(1) The Board may authorize a field officer to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act.

Duties

(2) The field officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report

(3) The field officer shall report the results of his inquiry and endeavours to the Board.

Remedy for  
discrimina-  
tion

(4) Where the field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act, it shall determine the action, if any, to be taken by the employer and the trade union or either of them with respect to the employment of such person, which, in its discretion, may, notwithstanding the provisions of a collective agreement, include reinstatement in employment with or without compensation by the employer and the trade union or either of them for loss of earnings and other employment benefits, and the employer and the trade union shall do or abstain from doing anything required of them by the determination.



- (5) Where the employer or the trade union has failed to comply with any of the terms of the determination, any employer, trade union or employee affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- 58.—(1) Upon complaint to the Board that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to employees in a particular trade union or in a particular trade, craft or class rather than to employees in another trade union or in another trade, craft or class, or that an employer was or is assigning particular work to employees in a particular trade union rather than to employees in another trade union, a jurisdictional disputes commission may, after consulting any person, employers' organization, trade union or council of trade unions that in its opinion may be affected by the complaint, make such interim order with respect to the assignment of the work as it in its discretion deems proper in the circumstances, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the interim order.

- (2) At the request of any person, employers' organization, trade union or council of trade unions affected by the interim order, the commission shall reconsider the complaint, but it shall not do so at the request of a person, employers' organization, trade union or council of trade unions that has failed to comply with the interim order so long as the failure continues.

- (3) Upon the reconsideration of the complaint, the commission shall give to any person, employers' organization, trade union or council of trade unions affected by the interim order full opportunity to

present evidence and to make submissions and, if it finds that the trade union, council of trade unions, officer, official or agent of a trade union or council of trade unions was or is in its opinion unjustifiably requiring the employer to assign work or that the employer was or is in its opinion unjustifiably assigning work, it shall direct the action to be taken by the employer, employers' organization, trade union, council of trade unions or any officer, official or agent of any of them with respect to the assignment of the work, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the direction.

Powers of  
commission

- (4) The commission has all the powers of a conciliation board under section 26.

Determina-  
tion final,  
saving

- (5) Subject to subsection 6, the direction of the commission is final and conclusive for all purposes, but the commission may at any time, if it considers it advisable to do so, reconsider the direction and vary or revoke it.

Review by  
Board

- (6) Any person, employers' organization, trade union or council of trade unions affected by an interim order or a direction of a commission may apply to the Board, within seven days after the release of the interim order or the direction, and, if the Board is satisfied that the interim order or the direction prohibits a lawful strike or lockout or restrains an employer, employers' organization, trade union, council of trade unions or an officer, official or agent of any of them or an employee from observing the provisions of a collective agreement relating to the assignment of work or prohibits a trade union or council of trade unions or an employer or employers' organization from bargaining collectively in respect of employees in a bargaining unit on whose behalf the trade union or council of trade unions is entitled to bargain, it may quash the interim order or the direction or it may alter the bargaining unit determined in a certificate or defined in a collective agreement as it deems proper to enable the interim order or the direction to be carried into effect in conformity with the other provisions of this Act, and the certificate or collective agreement, as the case may be, shall be deemed to have been altered in accordance with the Board's determination.

- (7) Where the employer, the employers' organization, <sup>Enforcement of interim order or direction</sup> the trade union, the council of trade unions or an officer, official or agent of any of them or an employee has failed to comply with any of the terms of the interim order or the direction, any employer, employers' organization, trade union, council of trade unions or employee affected by the interim order or the direction may,
- (a) in the case of an interim order, after the expiration of two days from the release of the interim order or of the date provided in the interim order for compliance, whichever is later; and
  - (b) in the case of a direction, after the expiration of fourteen days from the release of the direction or the date provided in the direction for compliance, whichever is later,

notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the interim order or the direction, exclusive of the reasons therefor, in the prescribed form, whereupon the interim order or direction shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- (8) No interim order or direction of a commission shall <sup>Commission's orders and directions not subject to review</sup> be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken, in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain a commission or any of its proceedings.
- (9) Notwithstanding anything in this section, where a <sup>Postponement of inquiry</sup> trade union, a council of trade unions or a group of trade unions and an employer, an employers' organization, a group of employers or a group of employers' organizations have made an arrangement to resolve any difference between them arising from the assignment of work, the commission may postpone inquiring into a complaint or the reconsideration of a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1950,  
c. 194,  
amended

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

Proceedings  
in S.C.O.

64a. A proceeding to enforce a determination of the Board under section 57, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission may be instituted in the Supreme Court by or against a trade union, a council of trade unions or an unincorporated employers' organization in the name of the trade union, council of trade unions or unincorporated employers' organization, as the case may be.

R.S.O. 1950,  
c. 194, s. 65,  
subs. 1,  
amended

**32.** Subsection 1 of section 65 of *The Labour Relations Act*, as amended by subsection 1 of section 8 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "Except in respect of a refusal or failure to comply with an order of the Minister made under section 58" in the amendment of 1957, so that the subsection shall read as follows:

Consent to  
prosecution

(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.

R.S.O. 1950,  
c. 194, s. 66  
(1959, c. 50,  
s. 1),  
subs. 2, 3,  
re-enacted

**33.** Subsections 2 and 3 of section 66 of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1959*, are repealed and the following substituted therefor:

Composition  
and appoint-  
ment of  
Board

(2) The Board shall be composed of a chairman, a vice-chairman and one or more deputy vice-chairmen and as many members equal in number representative of employers and employees respectively as the Lieutenant Governor in Council deems proper, all of whom shall be appointed by the Lieutenant Governor in Council.

Organization  
of divisions

(3) The chairman or, in the case of his absence from the office of the Board or his inability to act, the vice-chairman shall from time to time assign the members of the Board to its various divisions and may change any such assignment at any time.

R.S.O. 1950,  
c. 194,  
amended

**34.** *The Labour Relations Act* is amended by adding thereto the following section:

Juris-  
dictional  
disputes  
commissions,  
appointment

66a. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines.



**35.**—(1) Subsection 2 of section 67 of *The Labour Relations Act*, as amended by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954* and section 10 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following clause:

R.S.O. 1950,  
c. 194, s. 67,  
subs. 2  
amended

- (gg) to authorize any person to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board and to report to the Board his findings, conclusions and recommendations thereon.

(2) Clause *i* of subsection 2 of the said section 67, as enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 194, s. 67,  
subs. 2, cl. *i*  
(1954, c. 42,  
s. 24,  
subs. 2),  
re-enacted

- (i) to determine the form in which and the time as of which evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board on an application for certification or for a declaration terminating bargaining rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined.

**36.** Section 71 of *The Labour Relations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 194, s. 71,  
re-enacted

71. The production in any court of any document purporting to be or to contain a copy of a decision, determination, report, interim order, order, direction, declaration or ruling of the Board, a conciliation board, a mediator, an arbitrator, an arbitration board or a jurisdictional disputes commission and purporting to be signed by a member of the Board or its registrar, the chairman of the conciliation board, the mediator, the arbitrator, the chairman of the arbitration board or a member of the jurisdictional disputes commission, as the case may be, is *prima facie* proof of such document without proof of the appointment, authority or signature of the person who signed the document.

Docu-  
mentary  
evidence

**37.** Section 72 of *The Labour Relations Act*, as amended by section 26 of *The Labour Relations Amendment Act, 1954*, is further amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 194, s. 72,  
amended

Secrecy of  
information  
given field  
officers

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board, and no member of the Board and no field officer is a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

R.S.O. 1950,  
c. 194, s. 74,  
amended

**38.** Section 74 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Time of  
making  
certain  
applications

- (2) An application for certification or for a declaration that a trade union no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release  
of certain  
documents

- (3) A decision or determination of the Board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1950,  
c. 194, s. 77,  
re-enacted

**39.** Section 77 of *The Labour Relations Act*, as amended by section 4 of *The Labour Relations Amendment Act, 1956*, is repealed and the following substituted therefor:

Regulations

77. The Lieutenant Governor in Council may make regulations,

- (a) providing for and regulating the engagement of experts, investigators and other assistants by conciliation boards;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of conciliation boards;
- (c) respecting the functioning of jurisdictional disputes commissions and prescribing their practice and procedure;
- (d) requiring the filing with the Department of Labour of awards of arbitrators and arbitration boards;



- (e) requiring the filing with the Department of Insurance of audited financial statements of the affairs of pension or welfare funds operated for the benefit of employees and prescribing the content and form of such statements;
- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 32, 57 and 58 shall be filed in the Supreme Court;
- (g) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

**40.** Notwithstanding the coming into force of this Act or <sup>Effect of</sup> any part thereof, every proceeding under *The Labour Relations Act* <sup>Act on</sup> shall be carried to a conclusion under the law in force <sup>proceedings</sup> when the proceeding was commenced.

**41.—**(1) This Act comes into force on a day to be named <sup>Commence-</sup> by the Lieutenant Governor by his proclamation. <sup>ment</sup>

(2) Any such proclamation may apply to the whole or any <sup>Idem</sup> one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act* as enacted, re-enacted or amended by this Act, and proclamations for such purposes may be issued at different times. <sup>R.S.O. 1950, c. 194</sup>

**42.** This Act may be cited as *The Labour Relations Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 55

**An Act to amend  
The Lakes and Rivers Improvement Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 12 of *The Lakes and Rivers Improvement Act* <sup>R.S.O. 1950, c. 195, s. 12, re-enacted</sup> is repealed and the following substituted therefor:

12.—(1) Where water has been impounded for power development or storage purposes, the Minister may order the owner of any dam that impounds the water, <sup>Clearing flooded areas</sup>

(a) to clear timber, slash or debris from the lands that are or were flooded; and

(b) to remove any timber, slash or debris that has escaped from the flooded lands to any lake or river,

within the time specified in the order.

(2) Where the owner of a dam fails to comply with an order made under subsection 1 within the time specified in the order, the Minister may cause to be done whatever is necessary to achieve the result intended by the order, and the cost thereof, as certified by him, is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 56

## An Act to amend The Land Titles Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 2, re-enacted

2. Subject to section 150, this Act applies only to the County of York, including The Municipality of Metropolitan Toronto; the County of Elgin, including the City of St. Thomas; the County of Ontario; the City of Ottawa and the County of Carleton; the County of Lincoln, including the City of St. Catharines; the County of Prescott; the County of Halton, and the provisional judicial districts, but the land registries heretofore established for such cities, counties and districts are continued. Application of Act

2. Section 15 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 15, amended

(6) A person may apply for registration of a leasehold interest under this section where the freehold title out of which his interest is derived is registered under this Act. Leasehold interests

3. Subsection 1 of section 28 of *The Land Titles Act*, as re-enacted by section 3 of *The Land Titles Amendment Act, 1958*, is amended by adding at the end thereof "or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 28, subs. 1 (1958, c. 49, s. 3), amended

(1) Notwithstanding any provision of this Act, *The Limitations Act* or any other Act, no title to and no right or interest in land registered under this Act that is adverse to or in derogation of the title of the No title by adverse possession, etc. R.S.O. 1950, c. 207

registered

registered owner shall be acquired hereafter or be deemed to have been acquired heretofore by any length of possession or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a.

R.S.O. 1950,  
c. 197,  
Part IV,  
amended

4. Part IV of *The Land Titles Act* is amended by adding thereto the following sections:

Evidence  
necessary  
for  
registration

28a. An instrument executed by a registered owner or a person entitled to be registered as owner, when presented for registration, shall be accompanied by an affidavit as to the execution by, and the identity and age of, the owner or person so entitled or such evidence as the proper master of titles requires.

Registration  
of  
instruments  
not in  
prescribed  
form  
R.S.O. 1950,  
c. 336

28b. Where an instrument made in accordance with the forms in use or sufficient to pass an estate or interest in land under *The Registry Act* deals with land under this Act, the proper master of titles may, in his discretion, register it under this Act and, when so registered, it has the same effect as if made in the prescribed form.

R.S.O. 1950,  
c. 197, s. 29,  
subs. 6,  
re-enacted

5. Subsection 6 of section 29 of *The Land Titles Act* is repealed and the following substituted therefor:

Where  
advances  
under  
registered  
charge to  
have priority  
over  
subsequent  
charges

(6) Every registered charge shall as against the chargor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, be a security upon the land thereby charged to the extent of the money or money's worth actually advanced or supplied under the charge, not exceeding the amount for which the charge is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a transfer, charge or other instrument affecting the lands charged, executed by the chargor, his heirs, executors or administrators and registered subsequently to the first-mentioned charge, unless, before advancing or supplying such money or money's worth, the registered owner of the first-mentioned charge had actual notice of the execution and registration of such transfer, charge or other instrument, and the registration of such transfer, charge or other instrument after the registration of the first-mentioned charge does not constitute such actual notice.



- (7) An instrument in the nature of a deed of trust and mortgage that provides for the issuance of bonds or debentures may, upon the authorization of the parties thereto or their solicitors, be registered as a charge upon the lands of the grantor, and the entry in the register shall state the aggregate principal sum and the rate of interest of such bonds or debentures. Bond mortgage may be registered as charge upon authorization of parties
- (8) The authorization mentioned in subsection 7 shall identify the lands to be charged in each land titles office and state the aggregate principal sum and interest rate of the bonds or debentures mentioned in that subsection. What to be included in the authorization
- (9) Until a charge registered under subsection 7 has been discharged, no transfer or charge of the lands shall be subsequently registered without the written consent of the chargee. Consent of chargee to subsequent dealings
- (10) A certificate of a charge registered under subsection 7 may be granted as in the case of other charges. Certificate
- (11) A charge registered under subsection 7 may be discharged by a cessation in the prescribed form. Cessation

6. Section 34 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 34, re-enacted

- 34.—(1) Subject to the rules and to any entry to the contrary on the register, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the proper master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein. Remedy of owner of charge with power of sale
- (2) Subject to an order of the court, a copy of which has been served on the proper master of titles, upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced of the service of notice of the intended exercise of the power on every person appearing by the register or by the index of executions to have an interest in the land subsequent to that of the chargee, the proper master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is

sold,

sold, and thereupon the interest of every person claiming under such subsequent instrument ceases to affect the land.

R.S.O. 1950, c. 197, s. 35, re-enacted **7.** Section 35 of *The Land Titles Act* is repealed and the following substituted therefor:

Postpone-  
ment of  
registered  
rights

35. Upon registration of an instrument in the prescribed form, the rights of priority acquired by registration may be postponed to rights acquired or claimed under another registered instrument.

R.S.O. 1950, c. 197, s. 45a (1958, c. 49, s. 4), amended **8.** Section 45a of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1958*, is amended by adding thereto the following subsection:

Charge not  
deemed  
appointment

- (2) An appointment by way of charge given by a transferee to uses shall be deemed not to be an exercise of the power of appointment for the purposes of this Act.

R.S.O. 1950, c. 197, s. 46, re-enacted **9.** Section 46 of *The Land Titles Act* is repealed and the following substituted therefor:

Dower where  
encumbered  
land  
transferred

46. The wife of a registered owner of land is not entitled to dower therein,

(a) where the registered owner acquired the land subject to a charge and transferred the land subject to that charge; or

(b) where the registered owner charged the land, subsequently became married to the wife, and transferred the land subject to that charge.

R.S.O. 1950, c. 197, s. 47, amended **10.** Section 47 of *The Land Titles Act* is amended by adding thereto the following subsection:

Certificate  
of ownership  
of lease-  
hold land

- (5) Upon the application of the registered owner of leasehold land and upon payment of the prescribed fee, the proper master of titles, in his discretion, may give a certificate of ownership thereof in the prescribed form instead of or in addition to an office copy of the lease.

R.S.O. 1950, c. 197, s. 54, re-enacted **11.** Section 54 of *The Land Titles Act* is repealed and the following substituted therefor:

Time of  
receipt to  
be noted

- 54.—(1) Subject to the rules, the day, hour and minute of the receipt of each instrument presented for registration and of each copy of a writ or lien received under section 64 shall be noted thereon by the officer or clerk receiving the instrument or copy.

- (2) Every instrument received for registration shall be registered in the order of time in which it is so received, unless before registration is completed it is withdrawn or the proper master of titles discovers that it contains a material error or omission and notifies the parties or their solicitors accordingly within twenty-one days after being so received and allows a period of time not less than seven and not more than thirty days from the date of such notification for correction of the error or omission, and, when the error or omission is corrected within the time allowed, the instrument has priority as if it had been correct in the first instance. Order of registration
- (3) Registration of an instrument is complete when the entry in the proper register and particulars of registration thereof on the instrument are signed by the proper master of titles, his deputy or a signing officer, and the time of receipt of the instrument shall be deemed to be the time of its registration. When registration complete
- (4) When registered, an instrument shall be deemed to be embodied in the register and to be effective according to its nature and intent, and to create, transfer, charge or discharge, as the case requires, the land or estate or interest therein mentioned in the register. Effect of registration
- (5) Subject to any entry to the contrary in the register and subject to this Act, instruments registered in respect of or affecting the same estate or interest in the same parcel of registered land as between themselves rank according to the order in which they are entered in the register and not according to the order in which they were created, and, notwithstanding any express, implied or constructive notice, are entitled to priority according to the time of registration. Priorities

**12.** Subsection 3 of section 70 of *The Land Titles Act* is amended by adding at the end thereof "or by the director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 70, subs. 3, amended

- (3) Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same from being impaired by any act of the registered owner by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act or by the director of titles. How protected

R.S.O. 1950,  
c. 197,  
amended

**13.** *The Land Titles Act* is amended by adding thereto the following section:

Power of  
attorney  
authorized

70a.—(1) A person may, under a power of attorney, authorize another person to act for him in respect of any land or interest therein under this Act.

Registration

(2) A power of attorney or a certified copy thereof may be registered in the prescribed manner.

Revocation

(3) No registered power of attorney shall be deemed to be revoked until a revocation thereof is registered or evidence is filed with the proper master of titles showing that it is no longer in force.

R.S.O. 1950,  
c. 197, s. 72,  
subs. 7,  
re-enacted;  
subs. 8,  
repealed

**14.** Subsections 7 and 8 of section 72 of *The Land Titles Act* are repealed and the following substituted therefor:

Notice of  
interest  
in lease

(7) Where a notice of a lease or agreement for a lease has been registered, a notice of,

(a) a sublease;

(b) an assignment of the lease;

(c) a charge of the lease;

(d) a determination of the lease; or

(e) an assignment of the lessor's interest in the lease,

may be registered in the prescribed form.

R.S.O. 1950,  
c. 197, s. 79,  
amended

**15.** Section 79 of *The Land Titles Act* is amended by adding thereto the following subsection:

Removal of  
entry of  
timber  
agreement  
from  
register  
ten years  
after expiry

(6) At any time after ten years from the expiry date of an agreement or renewal thereof of which notice has been registered under this section, the proper master of titles may, upon application and without notice to the purchaser, delete from the register the entry of the notice of agreement or of the renewal.

R.S.O. 1950,  
c. 197, s. 80,  
re-enacted

**16.** Section 80 of *The Land Titles Act* is repealed and the following substituted therefor:

Inhibiting  
of registered  
dealings

80.—(1) The court, the director of titles or the proper master of titles, upon the application of any person interested made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices given and after hearing such persons as the court, the director



of titles or the proper master of titles deems necessary or expedient, may issue an order or make an entry inhibiting for a time or until the occurrence of an event to be named in such order or entry or generally until further order or entry any dealing with registered land or with a registered charge.

- (2) The court, or the director of titles or the proper master of titles of his own accord and without notice, may make an order or an entry under subsection 1 and may impose any terms or conditions that are deemed just, and may discharge the order or cancel the entry, with or without costs, and generally act in such manner as the justice of the case requires. Terms, etc.

17.—(1) Subsection 4 of section 107a of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 107a (1957, c. 58, s. 4), subs. 4, re-enacted

- (4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 3, the director of titles may, upon notice to all persons interested, apply to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that a plan of subdivision be prepared and registered in accordance with the regulations and incorporating such amendments to the draft plan of subdivision as the judge thinks proper and the judge may make such order. Order for registration of judge's plan

- (4a) The judge, having regard to the nature of the case and the inadequacy of or errors contained in previous surveys of land in the subdivision plan area and to the general law relating to surveys of land, may in his order effect such alterations to the registered descriptions of the land as to him seem just and equitable, and the Assurance Fund is not thereby rendered liable. Idem

- (4b) An order made under this section may be appealed to the Court of Appeal. Appeal

(2) The said section 107a is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 107a (1957, c. 58, s. 4), amended

- (8) Where the judge orders the costs of and incidental to an application under this section to be borne in whole or in part by a registered owner of land in the subdivision plan area, the amount so ordered to be

paid constitutes a charge upon the land of the registered owner in favour of Her Majesty the Queen in right of Ontario represented by the director of titles, and until paid such charge ranks in priority to all registered charges on the land from and after the entry of the particulars of the charge in the register.

R.S.O. 1950,  
c. 197, s. 109,  
subs. 1  
(1958, c. 49,  
s. 8, subs. 1),  
re-enacted

**18.**—(1) Subsection 1 of section 109 of *The Land Titles Act*, as re-enacted by subsection 1 of section 8 of *The Land Titles Amendment Act, 1958*, is repealed and the following substituted therefor:

Plan  
required in  
certain cases

(1) Where not otherwise provided by this Act and where,

- (a) a new boundary is created consisting of more than one line;
- (b) the owner has made one severance previously without survey;
- (c) a new boundary is in accordance with a fence, wall or other artificial enclosing device; or
- (d) in any other instance that the proper master of titles deems advisable,

a person applying for registration of a transfer of land shall, if the land is in a county, or may, if the land is in a provisional judicial district, deposit for record a plan to be known as a reference plan of survey certified by an Ontario land surveyor and signed by the registered owner in the prescribed form.

Saving

(2) Subsection 1 does not apply to land in a county if in the opinion of the proper master of titles concurred in by the director of titles the cost of compliance therewith would be excessive having regard to the value of the land:

R.S.O. 1950,  
c. 197, s. 109,  
subs. 5,  
re-enacted

(2) Subsection 5 of the said section 109 is repealed and the following substituted therefor:

Boundaries

(5) New boundaries that are created by a severance shown on a reference plan and referred to or incorporated by reference in a registered instrument signed by the registered owner of the land shall be deemed to be true and unalterable boundaries and to be defined by the monuments shown thereon, but such monuments do not change or alter the position of any previously established boundary or prejudice prior registered rights or interests.



**19.** Section 111 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 111, re-enacted

111. Where a plan has been registered or recorded under this Act, every instrument affecting the land shown on the plan shall conform and refer thereto, otherwise it shall not be registered unless the proper master of titles under special circumstances deems it proper to register it. Instruments must conform to plan

**20.** Section 113 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 113, amended

- (5) Nothing in this section prevents the registration of a plan of re-subdivision, if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to such plan. Plans of re-subdivision may be registered

**21.** Section 140 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 140, amended

- (4) The director of titles may designate one or more persons on the staff of his office or any land titles office as signing officers who shall act under the authority of the director to complete the registration of instruments and authenticate certificates under this Act. Signing officers

**22.—**(1) Subsection 2 of section 150 of *The Land Titles Act* is amended by striking out "City of Toronto" in the first and second lines and inserting in lieu thereof "The Municipality of Metropolitan Toronto", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 150, subs. 2, amended

- (2) The corporations of the County of York and The Municipality of Metropolitan Toronto and of any county, city or town which has passed or passes a by-law under subsection 1 shall provide proper fireproof and other accommodation for an office of land titles, and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the master of titles of the locality, and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office. Accommodation

R.S.O. 1950,  
c. 197, s. 150,  
subs. 8  
(1957, c. 58,  
s. 6),  
re-enacted

(2) Subsection 8 of the said section 150, as enacted by section 6 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor:

Costs

- (8) The costs of and incidental to an application under subsection 6 shall be borne and paid by the municipality making the application and the municipality may recover the same by levy of a special rate of assessment on all parcels included in the application or in the municipality.

R.S.O. 1950,  
c. 197, s. 155,  
amended

**23.** Section 155 of *The Land Titles Act* is amended by striking out "master of titles at Toronto" in the fifth line of subsection 1, the first line of subsection 2, the first line of subsection 3 and the first and second lines of subsection 4 and inserting in lieu thereof "director of titles", so that the section shall read as follows:

Local  
master to  
transmit  
application  
to director  
of titles

- 155.—(1) If, upon an application for first registration, the local master of titles finds that the applicant or his nominee is entitled to be registered, he shall sign a memorandum to that effect at the foot of the application and draft entry and shall transmit the same to the director of titles, with the deeds, evidence and other papers before him, and a draft of the entry of ownership proposed to be made.

Where  
director  
concurs

- (2) If the director of titles concurs in the opinion of the local master, he shall approve thereof and shall return the papers transmitted to him, and the local master may thereupon register the applicant or his nominee as owner.

Where  
director  
does not  
concur

- (3) If the director of titles does not concur in the opinion of the local master, he shall communicate his opinion to the local master and shall cause such action to be taken as he deems expedient, and if his objections are not removed by explanations or additional evidence the applicant or his nominee shall not be registered unless the court on appeal, or on a case stated for its opinion, otherwise directs.

Stay of  
proceedings

- (4) If there is a contest upon the decision of the director of titles concurring in the local master's opinion, registration shall be delayed for ten days to enable anyone who so desires to appeal.

R.S.O. 1950,  
c. 197, s. 157  
subs. 1,  
re-enacted

**24.** Subsection 1 of section 157 of *The Land Titles Act*, as amended by subsection 1 of section 14 of *The Land Titles*

*Amendment Act, 1956*, is repealed and the following substituted therefor:

- (1) Where upon an application for first registration the director of titles or the proper master of titles requires to examine any instrument registered in a registry office, the director of titles or the master of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application that the director of titles or the master of titles desires to examine.

**25.**—(1) Subsection 1 of section 158*a* of *The Land Titles Act*, as enacted by section 16 of *The Land Titles Amendment Act, 1956*, is repealed and the following substituted therefor:

- (1) This Act shall be administered by the director of titles who shall supervise and determine all matters relating to titles of land to which this Act applies.

(2) The said section 158*a*, as amended by section 10 of *The Land Titles Amendment Act, 1958*, is further amended by adding thereto the following subsections:

- (4) Where under this Act the proper master of titles is authorized to hear and determine any matter, the matter may be determined by the director of titles at a hearing upon the request or consent of the proper master of titles.
- (5) A hearing before the director of titles under subsection 4 may be held at the local land titles office or at the office of the director of titles, regard being had to the circumstances of the case.
- (6) Notices of a hearing to be held by the director of titles may be served or caused to be served by the director of titles or by the proper master of titles.
- (7) Any action or duty authorized or prescribed by this Act to be performed by a proper master of titles may, in the absence of or with the consent of the proper master of titles, be performed by the director of titles, the deputy director of titles or by an assistant deputy director of titles, if so authorized by the director of titles.

R.S.O. 1950,  
c. 197, s. 160,  
subs. 4,  
amended

**26.**—(1) Subsection 4 of section 160 of *The Land Titles Act* is amended by striking out “master of titles at Toronto” in the fourth line and inserting in lieu thereof “director of titles”, so that the subsection shall read as follows:

Action by  
local master

(4) Where there is no contest as to the rights of the parties, the local master may make the requisite entry and issue his certificate; but in case of a contest he shall transmit the papers to the director of titles before registering the patentee as owner, and shall otherwise proceed as provided in section 155.

R.S.O. 1950,  
c. 197, s. 160,  
subs. 6,  
amended

(2) Subsection 6 of the said section 160 is amended by adding at the commencement thereof “Notwithstanding subsection 1 of section 15”, so that the subsection shall read as follows:

Registration  
of Crown  
lease-  
patents, etc.

(6) Notwithstanding subsection 1 of section 15, letters patent from the Crown demising land or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within the provisions of this section.

Continuing  
liability  
for unpaid  
assurance  
fees

R.S.O. 1950,  
c. 197  
1956, c. 38

**27.** Where land was registered under this Act before the 27th day of May, 1956, and the assurance fees payable thereon have not been paid, subsections 11 to 16 of section 127 of *The Land Titles Act* shall be deemed to apply to such land notwithstanding their repeal by section 8 of *The Land Titles Amendment Act, 1956*.

Commence-  
ment

**28.** This Act comes into force on the day it receives Royal Assent.

Short title

**29.** This Act may be cited as *The Land Titles Amendment Act, 1960*.

## CHAPTER 57

## An Act to amend The Legislative Assembly Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 60 of *The Legislative Assembly Act*, as amended by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out “\$3,600” in the amendment of 1956 and inserting in lieu thereof “\$5,000”, so that the clause shall read as follows:

(a) an indemnity at the rate of \$5,000 per annum; and

. . . . .

(2) Clause *b* of subsection 1 of the said section 60, as amended by subsection 2 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out “\$1,800” in the amendment of 1956 and inserting in lieu thereof “\$2,000”, so that the clause shall read as follows:

(b) an allowance for expenses at the rate of \$2,000 per annum.

(3) Subsection 4 of the said section 60, as re-enacted by section 8 of *The Legislative Assembly Amendment Act, 1954* and amended by subsection 3 of section 1 of *The Legislative Assembly Amendment Act, 1956*, is further amended by striking out “\$125” in the amendment of 1956 and inserting in lieu thereof “\$150”, so that the subsection shall read as follows:

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$150 per month, that has accrued at the time the request is made.



R.S.O. 1950,  
c. 202, s. 60a,  
subs. 2 (1959,  
c. 51, s. 1),  
amended

**2.** Subsection 2 of section 60a of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1959*, is amended by striking out “\$900” in the seventh line and inserting in lieu thereof “\$1,000”, so that the subsection shall read as follows:

Idem

(2) In addition to his indemnity and allowance for expenses as a member, there shall be paid to every minister of the Crown without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, an allowance for the expenses of representation at the rate of \$1,000 per annum.

R.S.O. 1950,  
c. 202, s. 61,  
subs. 1,  
cl. b,  
re-enacted

**3.**—(1) Clause *b* of subsection 1 of section 61 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

(b) to the Leader of the Opposition an indemnity at the rate of \$12,000 per annum.

R.S.O. 1950,  
c. 202, s. 61,  
subs. 4  
(1954, c. 44,  
s. 9),  
amended

(2) Subsection 4 of the said section 61, as re-enacted by section 9 of *The Legislative Assembly Amendment Act, 1954*, is amended by striking out “or the Leader of the Opposition” in the first and second lines, so that the subsection shall read as follows:

advances

(4) Notwithstanding subsection 3, the Speaker upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$140 per month, that has accrued at the time the request is made.

R.S.O. 1950,  
c. 202, s. 62,  
subs. 1,  
amended

**4.** Subsection 1 of section 62 of *The Legislative Assembly Act* is amended by striking out “\$1,000” in the third line and inserting in lieu thereof “\$2,000”, so that the subsection shall read as follows:

Chairman  
of Com-  
mittees  
of the  
Whole  
indemnity

(1) In addition to his indemnity as a member, the Chairman of the Committees of the Whole House shall be paid an indemnity of \$2,000 for each session.

Commence-  
ment

**5.**—(1) Sections 1 and 4 shall be deemed to have come into force on the 11th day of June, 1959.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1960.

Short title

**6.** This Act may be cited as *The Legislative Assembly Amendment Act, 1960*.



## CHAPTER 58

# An Act respecting the Members of the Assembly

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "allowance" means an allowance under this Act;
- (b) "indemnity" has the same meaning as in *The Legis-* R.S.O. 1950,  
c. 202  
*lative Assembly Act*;
- (c) "member" means a member of the Assembly;
- (d) "minister" means a member of the Executive Council, and includes for the purposes of this Act the Speaker, the Leader of the Opposition and any member who was formerly a member of the Executive Council, the Speaker or the Leader of the Opposition;
- (e) "salary" means,
  - (i) the annual salary paid to a minister under *The Executive Council Act*, or R.S.O. 1950,  
c. 121
  - (ii) the additional indemnity of the Speaker or the Leader of the Opposition authorized by *The Legislative Assembly Act*;
- (f) "service" means service as a member or as a minister, as the case may be, for which indemnity or salary was paid;
- (g) "Treasurer" means the Treasurer of Ontario.

**2.** This Act shall be administered by the Treasurer.

Adminis-  
tration of  
Act

**3.** This Act applies to every member and to every minister.

Application  
of Act

**4.—(1)** There shall be deducted from the indemnity payable to a member an amount equal to 6 per cent thereof as such member's contribution under this Act.

Current con-  
tributions,  
members

Maximum  
con-  
tributions,  
members

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the indemnity of a member after the total amount contributed by him is sufficient to provide an allowance equal to the amount of his indemnity.

Previous  
service,  
member's  
election

**5.—**(1) A member may, within ninety days from the coming into force of this Act or from the day upon which the Assembly first is in session after he becomes a member, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a member, but the period or periods shall be chosen retrogressively from the date of such election.

Establish-  
ment of  
credit,  
members

(2) A member who elects to contribute in respect of a period of previous service as a member shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a member had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made.

Instalment  
payments,  
members

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection.

Idem

(4) Where a member who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility  
for allow-  
ance,  
members

**6.—**(1) A member who has contributed in respect of ten or more years of service and who has attained the age of fifty-five years is entitled to an annual allowance during his lifetime upon his ceasing to be a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation  
of allowance  
at age 55,  
members

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a member, but the amount of his allowance shall not exceed the amount of his indemnity.

Calculation  
of allowance  
under age 55,  
members

(3) Where a former member who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

**7.**—(1) An allowance under section 6 shall be suspended while the person entitled thereto, Suspension of allowance, members

(a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;

(b) is employed in the public service of Ontario;

(c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund; or

(d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*. 1959, c. 22

(2) Where a person whose allowance has been suspended under clause a of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 6 having regard to any additional service as a member performed while his allowance was suspended. Recalculation of allowance, members

**8.**—(1) There shall be deducted from the salary payable to a minister an amount equal to 6 per cent thereof as such minister's contribution under this Act. Current contributions, ministers

(2) Notwithstanding anything in subsection 1, contributions under this section shall not be deducted from the salary of a minister after the total amount contributed by him is sufficient to provide an allowance equal to one-half the annual salary of a minister having charge of a department. Maximum contributions, ministers

**9.**—(1) A minister may, within ninety days from the coming into force of this Act or from the day upon which he becomes a minister, whichever is the later, elect in writing to contribute under this Act in respect of any part of any period of previous service as a minister, but the period or periods shall be chosen retrogressively from the date of such election. Previous service, minister's election

(2) A minister who elects to contribute in respect of a period of previous service as a minister shall at the time of such election pay to the Treasurer an amount equal to the amount that he would have been required to contribute as a minister had the Act been in force and applicable to him during such period, and thereupon he is entitled to credit for the payment so made. Establishment of credit, ministers

(3) Notwithstanding subsection 2, any amount required to be paid under that subsection may be paid in equal instalments over a period not exceeding three years commencing at the time of his election under that subsection. Instalment payments, ministers

Idem

(4) Where a minister who is contributing under subsection 3 ceases to be a member or dies before completing his payments thereunder, he or his legal representative, as the case may be, may pay forthwith the balance outstanding.

Eligibility  
for  
allowance,  
ministers

**10.**—(1) A minister who has contributed under section 8 or 9 and who has contributed in respect of ten or more years of service as a member and who has attained the age of fifty-five years is entitled to an annual allowance during his life-time upon his ceasing to be a minister and a member provided that, where he is otherwise eligible for an allowance but has not attained the age of fifty-five years, he may elect to take either an allowance under subsection 2 at age fifty-five or an immediate allowance of a reduced amount under subsection 3.

Calculation  
of allowance  
at age 55,  
ministers

(2) The amount of such annual allowance shall be an amount equal to 75 per cent of the total of his contributions as a minister, but the amount of his allowance shall not exceed one-half of the salary of a minister having charge of a department.

Calculation  
of allowance  
under age 55,  
ministers

(3) Where a former member and minister who is otherwise eligible for an allowance but has not attained the age of fifty-five years elects to take an immediate allowance of a reduced amount, the amount of his allowance shall be calculated under subsection 2 and then shall be reduced actuarially in accordance with the prescribed tables.

Suspension  
of  
allowance,  
ministers

**11.**—(1) An allowance under section 10 shall be suspended while the person entitled thereto,

- (a) is a member of the Assembly, the House of Commons of Canada or the Senate of Canada;
- (b) is employed in the public service of Ontario;
- (c) holds an office of any kind the remuneration for which is paid out of the Consolidated Revenue Fund;  
or
- (d) is an officer, member or employee of a Crown agency as defined in *The Crown Agency Act, 1959*.

1959, c. 22

Recalculation  
of  
allowance,  
ministers

(2) Where a person whose allowance has been suspended under clause *a* of subsection 1 again ceases to be a member, his allowance shall be recalculated under section 10 having regard to any additional contributory service as a minister performed while his allowance was suspended.

Widow's  
allowance

**12.**—(1) Where a person,

- (a) who is in receipt of an allowance;

(b)



- (b) who is entitled to an allowance; or
- (c) whose allowance has been suspended under section 7 or 11,

dies leaving a widow, an allowance equal to one-half of the allowance that the person was receiving at the date of his death or to which he was entitled or which was suspended and recalculated under section 7 or 11, as the case may be, shall be paid to his widow during her lifetime or widowhood.

(2) Subsection 1 does not apply to the widow of a person <sup>Exception</sup> if she married him after he attained the age of sixty-five years or after he was in receipt of an allowance.

**13.**—(1) A person who makes contributions under this Act <sup>Refunds</sup> and who ceases to be a member before being eligible for an allowance is entitled to a refund of an amount equal to the amount of his contributions with interest thereon at the rate of 6 per cent per annum and, in the event of his death, his personal representative is entitled to the same refund.

(2) Where a person who is in receipt of an allowance dies <sup>Idem</sup> and no person becomes entitled to an allowance under section 12, his personal representative is entitled to a refund equal to the amount of the difference between the amount of his contributions with interest thereon at the rate of 6 per cent per annum up to the time he commenced to receive the allowance and the amount of the allowance paid to him up to the time of his death.

**14.** A person who has received a refund under subsection 1 <sup>Reinstatement after refund</sup> of section 13 and who again becomes eligible to contribute under this Act may pay to the Treasurer the amount of the refund with interest at the rate of 6 per cent per annum and thereupon he is entitled to credit for the amount so paid.

**15.** All contributions and interest received under this Act <sup>Payments into and out of Consolidated Revenue Fund</sup> shall be credited to the Consolidated Revenue Fund and all payments of allowances and refunds and interest are a charge against the Consolidated Revenue Fund.

**16.**—(1) The Treasurer shall establish in the Consolidated <sup>Special account</sup> Revenue Fund an account to be known as the Legislative Assembly Retirement Allowances Account in which shall be entered all receipts and disbursements under this Act.

(2) The Treasurer shall pay annually from the Consolidated <sup>Annual payments into special account</sup> Revenue Fund into the Legislative Assembly Retirement Allowances Account such sum as the Lieutenant Governor in Council directs to assist in defraying the cost of allowances under this Act.

Application  
of 1960,  
c. 98,  
s. 37

**17.** Section 37 of *The Public Service Superannuation Act, 1960* applies *mutatis mutandis* to any moneys payable to any person under this Act.

Recipients of  
allowances,  
etc., not  
disqualified  
R.S.O. 1950,  
c. 202

**18.** Notwithstanding anything in *The Legislative Assembly Act* or any other Act, the application of this Act to a person does not render him ineligible as a member of the Assembly or disqualify him from sitting and voting therein.

Teachers' rights not  
affected  
R.S.O. 1950,  
c. 384

**19.** Notwithstanding subclause xii of clause *d* of section 1 of *The Teachers' Superannuation Act*, this Act does not affect the rights of a member under *The Teachers' Superannuation Act*.

Regulations

**20.** The Lieutenant Governor in Council may make regulations,

- (a) respecting the manner and times of payment of instalments under subsection 3 of section 5 and subsection 3 of section 9;
- (b) prescribing tables for the purposes of subsection 3 of section 6 and subsection 3 of section 10;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**21.** This Act shall be deemed to have come into force on the 1st day of April, 1960.

Short title

**22.** This Act may be cited as *The Legislative Assembly Retirement Allowances Act, 1960*.



## CHAPTER 59

## An Act to amend The Liquor Control Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Liquor Control Act* is repealed.

R.S.O. 1950,  
c. 210, s. 8,  
repealed

2. Section 19 of *The Liquor Control Act* is amended by adding at the commencement thereof "Except at stores for the sale of beer only and stores for the sale of Ontario wine only", so that the section shall read as follows:

R.S.O. 1950,  
c. 210, s. 19,  
amended

19. Except at stores for the sale of beer only and stores for the sale of Ontario wine only, all moneys received from the sale of liquor at Government stores and from licence and permit fees, or otherwise arising in the administration of this Act and the regulations, shall be paid to the Board.

Disposition  
of Govern-  
ment  
stores  
receipts

3. Section 37 of *The Liquor Control Act* is amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 210, s. 37,  
amended

- (2) A purchaser of liquor or his duly authorized agent may carry or convey it from the premises where it may be lawfully kept or sold to the residence of the purchaser and such carriage or conveyance need not be direct if the package or vessel containing the liquor is unopened and the seal unbroken.

Conveyance  
of liquor

- (3) A person lawfully in possession of liquor may carry or convey it from a residence occupied by him to a residence to be occupied by him, even where the package or vessel containing the liquor has been opened and the seal broken.

Idem

4. Subsection 3 of section 38 of *The Liquor Control Act* is repealed.

R.S.O. 1950,  
c. 210, s. 38,  
subs. 3,  
repealed

R.S.O. 1950,  
c. 210, s. 43,  
subs. 1,  
re-enacted

**5.** Subsection 1 of section 43 of *The Liquor Control Act* is repealed and the following substituted therefor:

Where  
liquor  
may be  
kept, etc.,  
R.S.O. 1950,  
c. 211

- (1) Liquor may be kept, had, given or consumed only in a residence of the purchaser or of a donee under section 45a, except as otherwise provided by *The Liquor Licence Act* or this Act or the regulations under this Act or that Act.

R.S.O. 1950,  
c. 210,  
amended

**6.** *The Liquor Control Act* is amended by adding thereto the following sections:

Gifts of  
liquor

- 45a. Notwithstanding anything in this Act but subject to section 70, a person may make or receive a *bona fide* gift of liquor,

(a) if the donor is in lawful possession of the liquor; and

(b) if the donee is not a person who is prohibited from possessing or consuming liquor,

and the donee may have, keep, carry, convey or consume liquor received under this section as if he had purchased it in accordance with this Act and the regulations.

Liquor from  
outside  
Ontario

- 45b. A person who is entitled to possess or consume liquor may lawfully possess not more than one bottle of spirits or wine or not more than twenty-four pints of beer that was purchased outside Ontario,

(a) if the bottle containing the liquor was purchased outside Canada and has been stamped or marked by a Canadian customs officer; or

(b) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.

R.S.O. 1950,  
c. 210, s. 81,  
subs. 2,  
amended

**7.—**(1) Subsection 2 of section 81 of *The Liquor Control Act* is amended by inserting after “sold” in the first line “or supplied”, so that the subsection shall read as follows:

Idem

- (2) No liquor shall be sold or supplied to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

(2) Subsection 3 of the said section 81 is amended by inserting after "shall" in the first line "consume", so that the subsection shall read as follows:

R.S.O. 1950  
c. 210, s. 81,  
subs. 3,  
amended

- (3) No person under the age of twenty-one years shall consume, apply for, attempt to purchase, purchase or otherwise obtain liquor.

Minors may  
not  
purchase,  
etc., liquor

8. Subsection 4 of section 89 of *The Liquor Control Act* is repealed.

R.S.O. 1950,  
c. 210, s. 89,  
subs. 4,  
repealed

9. *The Liquor Control Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 210,  
amended

- 90a. No person shall directly or indirectly hold himself out or act as an agent or representative of a distiller, brewer or a producer of wine or Ontario wine unless he is registered with the Board as an agent or representative of such distiller, brewer or producer.

Representa-  
tives to be  
registered

10. Subsection 4 of section 104 of *The Liquor Control Act* is amended by striking out "sections 35, 36, 57, 59, 60, 61, subsection 2 of section 69 or section 82, 87, 89, 90 or 91" in the second and third lines and inserting in lieu thereof "section 82, 87 or 91", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 210,  
s. 104,  
subs. 4,  
amended

- (4) Every person who violates any of the provisions of section 82, 87 or 91 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not more than \$1,000, and in default of immediate payment shall be imprisoned for a term of three months, and for a second or subsequent offence to imprisonment for three months.

Penalties  
for  
Ontario  
offences

11. Subsection 3 of section 105 of *The Liquor Control Act* is repealed.

R.S.O. 1950,  
c. 210,  
s. 105,  
subs. 3,  
repealed

12. Section 108 of *The Liquor Control Act* is repealed.

R.S.O. 1950,  
c. 210,  
s. 108,  
repealed

13.—(1) Subsection 2 of section 116 of *The Liquor Control Act* is repealed.

R.S.O. 1950,  
c. 210,  
s. 116,  
subs. 2,  
repealed

(2) Subsection 3 of the said section 116 is amended by striking out "which is found to be unsuitable for sale in Government stores" in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 210,  
s. 116,  
subs. 3,  
amended

- (3) All forfeited liquor shall be destroyed under competent supervision as may from time to time be directed by the Board.

Destruction  
of  
forfeited  
liquor

R.S.O. 1950,  
c. 210,  
s. 122,  
re-enacted

**14.** Section 122 of *The Liquor Control Act* is repealed and the following substituted therefor:

When in-  
formation  
to be laid

122. The information for the prosecution of any offence against this Act or the regulations shall be laid in writing within three months after the commission of the offence and not afterwards.

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** This Act may be cited as *The Liquor Control Amendment Act, 1960*.

## CHAPTER 60

## An Act to amend The Liquor Licence Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of section 1 of *The Liquor Licence Act* is amended by striking out “and” at the end of subclause v, by adding “and” at the end of subclause vi and by adding thereto the following subclause: R.S.O. 1950, c. 211, s. 1, amended

(vii) that has been organized and in active operation for not less than one year prior to the time of application for a licence.

(2) Subclause i of clause *g* of the said section 1 is amended by striking out “urban” in the first line, so that the subclause shall read as follows: R.S.O. 1950, c. 211, s. 1, subcl. i, amended

(i) in municipalities with a population of over 100,000, not less than 50 bedrooms.

**2.** Section 32 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 211, s. 32, re-enacted

32. A member of the Board shall hold a meeting annually, at a convenient place determined by the Board, for each licensing district between the 1st day of October and the 31st day of January in the year next following. Meeting to be held annually for each licensing district

**3.** Section 34 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 211, s. 34, re-enacted

34. After a meeting has been held pursuant to section 32, the Board shall review and determine applications for the renewal of licences. Renewal of licences



R.S.O. 1950,  
c. 211, s. 35,  
amended

4.—(1) Section 35 of *The Liquor Licence Act* is amended by inserting after “Board” in the first line “or a member thereof”, so that subsection 1 of the section, exclusive of the clauses, shall read as follows:

Special  
meetings

- (1) The Board or a member thereof may hold such special meetings as it deems necessary for the hearing and determination of,

. . . . .

R.S.O. 1950,  
c. 211, s. 35,  
amended

(2) The said section 35 is further amended by adding thereto the following subsection:

Idem

- (2) After a meeting has been held pursuant to subsection 1, the Board shall review and determine the applications or other matters before the Board at such meeting.

R.S.O. 1950,  
c. 211, s. 44,  
subs. 2  
(1953, c. 58,  
s. 4, subs. 1),  
amended

5.—(1) Subsection 2 of section 44 of *The Liquor Licence Act*, as re-enacted by subsection 1 of section 4 of *The Liquor Licence Amendment Act, 1953*, is amended by striking out “Treasurer of Ontario” in the second line and inserting in lieu thereof “Liquor Control Board of Ontario”, so that the subsection shall read as follows:

Transfer  
fee

- (2) Upon a transfer of a licence, the transferor shall pay to the Liquor Control Board of Ontario at the time of the transfer such fee as the regulations prescribe.

R.S.O. 1950,  
c. 211, s. 44,  
subs. 4,  
amended

(2) Subsection 4 of the said section 44 is amended by striking out “Treasurer of Ontario” in the first line and in the second and third lines, respectively, and inserting in lieu thereof “Liquor Control Board of Ontario”, so that the subsection shall read as follows:

Amount  
payable to  
L.C.B.O.  
constitutes  
debt due  
Board

- (4) The amount payable to the Liquor Control Board of Ontario under subsection 2 shall constitute a debt due to the Liquor Control Board of Ontario and shall be recoverable by action in any court of competent jurisdiction.

R.S.O. 1950,  
c. 211, s. 51,  
subs. 3,  
amended

6. Subsection 3 of section 51 of *The Liquor Licence Act* is amended by inserting after “sold” in the first line “or supplied”, so that the subsection shall read as follows:

Intoxicated  
persons

- (3) No liquor shall be sold or supplied on or at any licensed premises to or for any person who is apparently in an intoxicated condition.



7. Section 55 of *The Liquor Licence Act* is amended by R.S.O. 1950, c. 211, s. 55, adding thereto the following subsection: amended

- (2) No licensee, his agent or employee shall, either Inducement, directly or indirectly, request, demand or receive taking of, any financial or material inducement, discount or prohibited rebate mentioned in subsection 1.

8.—(1) Subsection 2 of section 59 of *The Liquor Licence Act* is amended by inserting after “violates” in the first line R.S.O. 1950, c. 211, s. 59, “subsection 1 of”, so that the subsection shall read as follows: subs. 2, amended

- (2) Every person who violates subsection 1 of section 55 Idem shall be guilty of an offence and liable to a penalty of not more than \$10,000.

(2) The said section 59 is amended by adding thereto the R.S.O. 1950, c. 211, s. 59, following subsection: amended

- (2a) Every person who violates subsection 2 of section 55 Idem shall be guilty of an offence and liable to a penalty of not more than \$1,000.

9. Section 68 of *The Liquor Licence Act* is amended by R.S.O. 1950, c. 211, s. 68, inserting after “Act” where it occurs the first time in the amended seventh line “being chapter 215 of the Revised Statutes of Ontario, 1914”, so that the section shall read as follows:

68. Except as provided by this Act and the regulations, Where no no government store for the sale of liquor shall be liquor outlets established, no Ontario wine store shall be authorized may be established and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* 1916, c. 50 a by-law passed under *The Liquor License Act*, being R.S.O. 1914, chapter 215 of the Revised Statutes of Ontario, 1914, c. 215 or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69.

10. This Act comes into force on the day it receives Royal Commence- Assent. ment

11. This Act may be cited as *The Liquor Licence Amend- Short title ment Act, 1960.*



## CHAPTER 61

## An Act to amend The Loan and Trust Corporations Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *h* and *i* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* are repealed.

R.S.O. 1950,  
c. 214, s. 4,  
subs. 2,  
cls. *h*, *i*,  
repealed

**2.** Subsection 2 of section 20 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 20,  
subs. 2,  
re-enacted

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered or sent by mail to the address of each shareholder so far as it is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice shall be so delivered or sent at least ten days before the time fixed for holding the meeting.

Notice of  
annual  
meeting

**3.** Section 66 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1959*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 66,  
re-enacted

**66.—(1)** The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the first annual meeting, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appoint-  
ment of first  
auditor

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the next annual meeting, and, if the shareholders fail to do so, the auditor in office shall continue in office until a successor is appointed.

Appoint-  
ment  
annually of  
auditor

- Vacancies (3) The directors may fill any casual vacancy in the office of auditor, but while a vacancy continues the surviving or continuing auditor, if any, may act.
- Removal (4) The shareholders may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice of intention to pass the resolution has been given, remove any auditor before the expiration of his term of office, and shall by a majority of votes cast at that meeting appoint another auditor in his stead for the remainder of his term.
- Remuneration (5) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors, if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.
- Appointment by Registrar (6) If for any reason no auditor is appointed, the Registrar may, on the application of a shareholder, appoint one or more auditors for that year and fix the remuneration to be paid by the corporation for his or their services.
- Notice of appointment (7) Notice of the appointment of an auditor shall be given in writing to him forthwith after the appointment is made.
- Who may be appointed auditor 66a. The auditor of a corporation shall be an accountant or a firm of accountants, except that no person shall be appointed as auditor of a corporation who is a director, officer or employee of that corporation or an affiliated corporation or who is a partner or employee of any such director, officer or employee.
- Auditor's examination 66b.—(1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection 2.
- Auditor's report (2) The auditor shall make a report to the shareholders on the balance sheet to be laid before the corporation at any annual meeting during his term of office and shall state in his report whether in his opinion the balance sheet referred to therein presents fairly the financial position of the corporation.
- Idem (3) The auditor in his report shall make such statements as he considers necessary,

(a) if the corporation's balance sheet is not in agreement with its accounting records;

(b)

- (b) if the corporation's balance sheet is not in accordance with any requirements prescribed by the Registrar;
  - (c) if he has not received all the information and explanations that he has required; or
  - (d) if proper accounting records have not been kept, so far as appears from his examination.
- (4) The auditor of a corporation has right of access at all times to all records, documents, books, accounts and vouchers of the corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2. Auditor's right of access
- (5) The auditor of a corporation is entitled to attend any meeting of shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor. Auditor's right to attend meetings

4. Section 67 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 214, s. 67, re-enacted

67.—(1) The directors shall lay before each annual meeting of shareholders, Annual financial statement

- (a) a financial statement for the period commencing on the date of incorporation and ending not more than six months before such annual meeting, or commencing immediately after the period covered by the previous financial statement and ending not more than six months before such annual meeting, as the case may be, made up of,
  - (i) a statement of undivided profits for such period, and
  - (ii) a balance sheet made up to the end of such period;
- (b) the report of the auditor to the shareholders; and

(c)

- (c) such further information respecting the financial position of the corporation as its letters patent, supplementary letters patent or by-laws require.

Form

- (2) The Registrar may prescribe the form of the financial statement.

Auditor's  
report to  
be read

- (3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection by any shareholder.

Attesting

- (4) Every financial statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation.

Copy to  
shareholders

- (5) A copy of the financial statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting.

Copy to  
debenture  
holders, etc.

- (6) A copy of the financial statement shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same.

R.S.O. 1950,  
c. 214,  
s. 146,  
subs. 3,  
re-enacted

**5.** Subsection 3 of section 146 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Certificate  
of auditor  
on annual  
statement

- (3) The statement required by subsection 1 shall have attached a report by the auditor stating whether in his opinion the balance sheet contained in such statement presents fairly the financial position of the corporation and stating whether such other information as the Registrar prescribes contained in such statement is presented fairly and making such comments as he considers necessary,
- (a) if the balance sheet is not in agreement with the accounting records;
  - (b) if the balance sheet is not in accordance with the requirements of the Registrar;
  - (c) if he has not received all the information and explanations that he has required; or
  - (d) if proper accounting records have not been kept, so far as appears from his examination.



6. Subsection 2 of section 154 of *The Loan and Trust Corporations Act* is amended by striking out "auditor" in the first line and by inserting after "officer" in the second line "and every auditor", so that the first two lines of the subsection shall read as follows:

- (2) Every president, vice-president, director, manager or other officer and every auditor of a corporation, who,

. . . . .

7. Schedule A and Schedule B, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1953*, to *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

SCHEDULE A

(Section 156 (1) )

Fees for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of,	
(a) \$300,000 but less than \$500,000.....	\$300
(b) \$500,000 but less than \$1,000,000.....	400
(c) \$1,000,000.....	500
(d) exceeding \$1,000,000 but less than \$2,000,000.... plus \$25 for every \$100,000 or fraction thereof in excess of \$1,000,000.	500
(e) exceeding \$2,000,000..... plus \$20 for every \$100,000 or fraction thereof in excess of \$2,000,000.	750
For supplementary letters patent.....	100

SCHEDULE B

(Section 156 (2) )

1. Application for initial registry (s. 115).....	\$ 25
2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed.....	10
3. Filing power of attorney in case of corporations (s. 116)...	5
4. Filing new power or change of attorney (s. 116).....	5
	5.

## 5. Initial and annual renewal of registry (s. 117):

(a) Where the assets of the corporation do not exceed \$500,000.....	\$200
(b) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000.....	250
(c) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$5,000,000.....	300
(d) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000.....	400
(e) Where the assets of the corporation exceed \$10,000,000 but do not exceed \$20,000,000.....	450
(f) Where the assets of the corporation exceed \$20,000,000.....	500

For the purposes of this item, assets of a Trust Company shall be deemed to be the aggregate of assets held for Company Funds, Guaranteed Funds and assets held for administration under Estates and Trusts.

6. Interim certificate of registry or extension of certificate (s. 117).....	50
7. Revivor of registry after suspension (s. 117).....	50
8. Change of corporate name (s. 118).....	50
9. Change of head office (s. 118).....	50
10. Filing annual statement (s. 146).....	10
11. Filing new by-laws or amendments thereto after initial registry (s. 29).....	5
12. Application for increase, decrease, conversion or alteration of capital stock or declaration or alteration of powers.....	25
(a) Order in Council increasing capital stock (s. 58):	
A fee based on Schedule A, computed on the difference between the capital stock of the corporation before the Order in Council and the capital stock of the corporation after the Order in Council is issued, with a minimum fee of \$200.	
(b) Any other Order in Council (s. 58).....	200
(c) Certificate of increase, decrease, conversion or alteration of capital stock or shares (s. 58).....	10
(d) Supplementary letters patent.....	100
13. Application for increase in borrowing powers (s. 73 (2) )....	25
(a) Order in Council.....	200
14. Copy of decision of Registrar, per folio of 100 words.....	1
Also for certificate of Registrar.....	2
15. Certified copy of entry on register or of certificate.....	2
16. Copies of or extracts from documents filed with Registrar, per folio of 100 words.....	1
Also for certificate of Registrar.....	2

17. Examining and passing upon applications or documents (ss. 95-103).....	\$ 25
Order in Council and certificate.....	200
18. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> .....	25
Order in Council.....	200
19. Examining and passing upon applications or documents (s. 81)	25
Order in Council.....	200
20. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

8. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

9. This Act may be cited as *The Loan and Trust Corpora-* Short title  
*tions Amendment Act, 1960.*



## CHAPTER 62

**An Act to amend  
The Lord's Day (Ontario) Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Lord's Day (Ontario) Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 218,  
amended

7.—(1) It is lawful for any person between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in or be present at any concert, recital or other musical performance of an artistic and cultural nature produced by a non-profit organization at which an admission fee is charged and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such concert, recital or other musical performance which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). Sunday  
musical  
concerts  
lawful  
  
R.S.C. 1952,  
c. 171

(2) If and so long as the time commonly observed in the municipality in which a concert, recital or other musical performance is produced under subsection 1 is one hour in advance of standard time, the times mentioned in subsection 1 shall be reckoned in accordance with the time so commonly observed and not standard time. Where  
daylight  
saving time  
in effect

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Lord's Day (Ontario) Amendment Act, 1960*. Short title





CHAPTER 63

An Act respecting Louis Pierre Cecile

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Hydro-Electric Power Commission of <sup>Preamble</sup> Ontario is acquiring in the name of Her Majesty the Queen for the Quebec Hydro-Electric Commission's Carillon power development certain lands in the Township of East Hawkesbury in implementation of the agreement set out as Appendix A to *The Ottawa River Water Powers Act, 1943*; and <sup>1943, c. 21</sup> whereas among the lands being so acquired is a certain lot, more particularly described in the Schedule, in which Louis Pierre Cecile, member of the Assembly for the Electoral District of Prescott, has an interest; and whereas it is expedient to enact a measure to enable the said member to receive compensation for his interest in the said lot without thereby jeopardizing his seat in the Assembly;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Louis Pierre Cecile, member of the Assembly for the Electoral District of Prescott, is hereby authorized to receive <sup>Right to accept compensation for expropriated land</sup> from The Hydro-Electric Power Commission of Ontario the sum of money hereafter determined as compensation for his interest in a certain lot in the Township of East Hawkesbury, more particularly described in the Schedule, that is being expropriated by the Commission under *The Power Commission Act*, and his seat in the Assembly shall not thereby be vacated <sup>R.S.O. 1950, c. 281</sup> nor shall he thereby be rendered ineligible as a member of the Assembly or to sit or vote therein.

**2.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**3.** This Act may be cited as *The Louis P. Cecile Act, 1960*. <sup>Short title</sup>

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Hawkesbury in the County of Prescott and Province of Ontario, being composed of a part of Lot No. 2 in the first concession of the aforesaid Township of East Hawkesbury being more particularly described as follows: As Lot No. 8 on a Plan of said Lot No. 2 prepared by J. B. Lewis, O.L.S., dated the 18th day of July, 1895, and numbered on said Plan as No. 8 and bounded on the North by the Highway leading from Hawkesbury to Pointe Fortune, on the east by Lot No. 7 and on the west by Lot No. 9 being one hundred and sixty-one feet three inches (161' 3") in depth by fifty feet three inches (50' 3") in width being the Lot conveyed to Henri Gibeault by deed registered in the Registry Office for the County of Prescott as No. 12675; Reserving therefrom a certain part of said Lot in front thereof sold and conveyed to the Provincial Highway for widening their road.

CHAPTER 64

An Act to amend The Marriage Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Form 8 of *The Marriage Act* is amended by striking out “Racial Origin” wherever it occurs.

R.S.O. 1950,  
c. 222,  
Form 8,  
amended
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Marriage Amendment Act, 1960*.

Short title



## CHAPTER 65

## An Act to amend The Mechanics' Lien Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 14 of *The Mechanics' Lien Act* R.S.O. 1950, c. 227, s. 14, subs. 2, amended is amended by striking out "or officer" in the sixth line, so that the subsection shall read as follows:

- (2) Every wage-earner shall be entitled to enforce a Enforcing lien in such cases lien in respect of any contract or subcontract not completely fulfilled and, notwithstanding anything to the contrary in this Act, may serve a notice of motion on the proper parties returnable in four days after service thereof before the judge having jurisdiction under this Act, that the applicant will on the return of the motion ask for judgment on his claim for lien, registered particulars of which shall accompany the notice of motion duly verified by affidavit.

**2.—**(1) Subsection 1 of section 15 of *The Mechanics' Lien Act*, as re-enacted by section 5 of *The Mechanics' Lien Amendment Act, 1952*, is amended by striking out "placed" in the fifth line and inserting in lieu thereof "incorporated", so that the subsection shall read as follows:

- (1) Material actually delivered to be used for any of the purposes mentioned in section 5 shall be subject to a lien for any of the purchase price thereof which is unpaid in favour of the person who furnished it until it is incorporated in the building, erection or work, and it shall not during the continuance of such lien be subject to execution or other process to enforce any debt other than for the purchase price thereof due to the person furnishing the same. Lien for material

R.S.O. 1950, c. 227, s. 15 (1952, c. 54, s. 5), subs. 2, re-enacted

(2) Subsection 2 of the said section 15 is repealed and the following substituted therefor:

Removal of material

- (2) During the continuance of a lien, no part of the material affected thereby shall be removed except with the leave of the judge or officer having jurisdiction.

R.S.O. 1950, c. 227, s. 22, subs. 2, amended

3. Subsection 2 of section 22 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the fourth line and by inserting after "action" in the fifth line "or, in the County of York, the master", so that the subsection shall read as follows:

Vacating orders

- (2) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, any interested party may apply *ex parte* to a judge who has jurisdiction to try the action or, in the County of York, the master, who may make an order vacating the certificate of action and discharging all liens depending thereon.

R.S.O. 1950, c. 227, s. 25, subs. 4 (1958, c. 57, s. 5, subs. 2), amended

4. Subsection 4 of section 25 of *The Mechanics' Lien Act*, as re-enacted by subsection 2 of section 5 of *The Mechanics' Lien Amendment Act, 1958*, is amended by striking out "or officer" in the first line and by striking out "to realize a lien" in the second line and inserting in lieu thereof "or, in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

Security for payment into court; vacating order

- (4) Upon application, the judge having jurisdiction to try an action or, in the County of York, the master may,
- . . . . .

R.S.O. 1950, c. 227, s. 28, subs. 3, amended

5. Subsection 3 of section 28 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the first line and by striking out "to realize a lien" in the second line and inserting in lieu thereof "or, in the County of York, the master", so that the subsection shall read as follows:

Production of contract, etc.

- (3) The judge having jurisdiction to try an action or, in the County of York, the master may, on a summary application at any time before or after any action is commenced for the enforcement of the lien, make an order requiring the owner or his agent or the mortgagee or his agent or unpaid vendor or his agent, as the case may be, to produce and allow any

lienholder



lienholder to inspect any such contract or agreement or mortgage or agreement for sale upon such terms as to costs as he may deem just.

**6.**—(1) Subsection 2 of section 29 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the second line and by inserting after "action" in the third line "or, in the County of York, the master", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 29,  
subs. 2,  
amended

- (2) The statement of claim shall be served within one month after it is filed, but a judge having jurisdiction to try the action or, in the County of York, the master may extend the time for service thereof, and the time for delivering the statement of defence shall be the same as for entering an appearance in an action in the Supreme Court.

Service of  
statement  
of claim;  
delivery of  
statement  
of defence

(2) Subsection 4 of the said section 29 is amended by striking out "or officer" in the third line and by inserting after "jurisdiction" in the third line "to try the action or, in the County of York, a judge of the Supreme Court", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 29,  
subs. 4,  
amended

- (4) After the commencement of any action under this Act, any lienholder or other person interested may move before the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court to speed the trial of the action.

Motion to  
speed trial

**7.** Section 31 of *The Mechanics' Lien Act*, as amended by section 2 of *The Mechanics' Lien Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 227, s. 31,  
re-enacted

- 31.—(1) The action shall be tried in the county or district in which the land or part thereof is situate.
- (2) Except in the County of York, the action shall be tried by a local judge of the Supreme Court, but, upon the application of any party or other interested person made according to the practice of the Supreme Court and upon notice, the court may direct that the action be tried by a judge of the Supreme Court at the regular sittings of the court for the trial of actions in the county or district in which the land or part thereof is situate.
- (3) In the County of York, the action shall be tried by a judge of the Supreme Court, but,
- (a) on motion after defence or defence to counter-claim, if any, has been delivered or the time

Place of  
trial

Tribunal

Idem,  
York  
County

for such delivery has expired, a judge of the Supreme Court may refer (Form 8) the whole action to the master for trial pursuant to section 68 of *The Judicature Act*; or

R.S.O. 1950,  
c. 190

- (b) at the trial, a judge of the Supreme Court may direct a reference to the master pursuant to section 67 or 68 of *The Judicature Act*.

Application  
to set aside  
judgment  
directing a  
reference

- (4) Where on motion the whole action is referred to the master for trial, any person brought into the proceedings subsequent thereto and served with a notice of trial may apply to a judge of the Supreme Court to set aside the judgment directing the reference within seven days after service of notice of trial and, if such person fails to make such application, he is bound by such judgment as if he were originally a party thereto.

Amendment  
of  
pleadings  
on reference

- (5) Where the action is referred to the master for trial, he may grant leave to amend any pleading.

R.S.O. 1950,  
c. 227, s. 32,  
subs. 1,  
re-enacted

**8.—**(1) Subsection 1 of section 32 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Powers of  
local  
judges  
S.C.O., etc.

- (1) The local judges of the Supreme Court and the master to whom a reference for trial has been directed, in addition to their ordinary powers, shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein and all questions of set-off and counterclaim arising under the building contract or out of the work or service done or materials furnished to the property in question.

R.S.O. 1950,  
c. 227, s. 32,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 32 is amended by striking out "or other officer" in the second line, by inserting after "action" in the second line "or, in the County of York, a judge of the Supreme Court" and by striking out "or other officer" in the seventh line, so that the subsection shall read as follows:

Appointment  
of receiver  
of rents  
and  
profits

- (3) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court may, on the application of any lien claimant, mortgagee or other party interested, appoint a receiver of the rents and profits of the property against which the claim of lien is registered, upon such terms and upon the giving of such security or without security as to the judge may seem just.

(3) Subsection 4 of the said section 32, as re-enacted by R.S.O. 1950, subsection 1 of section 8 of *The Mechanics' Lien Amendment Act, 1952*, is amended by striking out "or officer" in the third and fourth lines, by inserting after "action" in the fourth line "or, in the County of York, to a judge of the Supreme Court" and by striking out "or officer" in the eighth line, so that the subsection shall read as follows:

- (4) At any time after the delivery of the statement of claim, any lien claimant, mortgagee or other party interested may make an application to a judge having jurisdiction to try the action or, in the County of York, to a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge deems best, a trustee or trustees with power to manage and sell or manage or sell the property upon which the lien is filed, and such management and sale or management or sale shall be under the supervision and direction of the court, and such sale shall require the approbation of the court, and with power, when so directed by the court, to complete or partially complete the property and, in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys shall take priority over all liens existing as of the date of the appointment.

(4) Subsection 6 of the said section 32 is amended by striking out "other" and "having jurisdiction" in the third line, so that the subsection shall read as follows:

- (6) Any property directed to be sold under this section may be offered for sale subject to any mortgage or other charge or encumbrance if the judge or officer so directs, but only in cases where there is no dispute whatever as to the priority of any such mortgage.

(5) Subsection 8 of the said section 32, as amended by subsection 3 of section 8 of *The Mechanics' Lien Amendment Act, 1952*, is further amended by striking out "having jurisdiction as aforesaid, as the case may be" in the second line, so that the subsection shall read as follows:

- (8) The judge or officer shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser and for possession.

R.S.O. 1950,  
c. 227, s. 33,  
amended

**9.** Section 33 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the second line and by inserting after "actions" in the third line "or, in the County of York, the master", so that the section shall read as follows:

Consolidation of  
actions

33. Where more actions than one are brought to realize liens in respect of the same land, a judge having jurisdiction to try such actions or, in the County of York, the master may, on the application of any party to any one of the actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff as he may see fit.

R.S.O. 1950,  
c. 227, s. 35,  
subs. 4,  
re-enacted

**10.—**(1) Subsection 4 of section 35 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Trial

(4) The judge or, where a reference for trial is directed, the master,

(a) shall try the action and all questions that arise therein or that are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom notice of trial has been served;

(b) shall take all accounts, make all inquiries, give all directions and do all other things necessary to finally dispose of the action and of all matters, questions and accounts arising therein or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action and all persons who have been served with the notice of trial; and

(c) shall embody the results of the trial,

(i) in the case of a judge, in a judgment (Form 7), and

(ii) in the case of the master, in a report (Form 9),

which judgment or report may direct payment forthwith by the person or persons primarily liable to pay the amount of the claims and costs as ascertained by the judgment or report

and



and execution may be issued therefor forthwith in the case of a judgment and, after confirmation thereof, in the case of a report.

(2) Subsection 5 of the said section 35 is amended by inserting after "judgment" in the first and fourth lines respectively "or report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 5, amended

(5) The form of the judgment or report may be varied by the judge or officer in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he may be entitled. Variation of judgment or report

(3) Subsection 6 of the said section 35 is amended by inserting after "judgment" in the third line "or confirmation of the report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 6, amended

(6) The judge or officer may order that the estate or interest charged with the lien may be sold and may direct the sale to take place at any time after judgment or confirmation of the report, allowing, however, a reasonable time for advertising the sale. Sale

(4) Subsection 7 of the said section 35 is amended by inserting after "action" in the third line "or reference" and by inserting after "judgment" in the seventh line "or report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 7, amended

(7) A lienholder who has not proved his claim at the trial, on application to the judge or officer before whom the action or reference was tried, may be let in to prove his claim on such terms as to costs and otherwise as may be deemed just at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where his claim is allowed the judgment or report shall be amended so as to include his claim. Letting in lienholders who have not proved claims at trial

(5) Subsection 9 of the said section 35 is amended by striking out "actions" in the second line and inserting in lieu thereof "the action", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 9, amended

(9) An action may be tried by any officer having jurisdiction to try the action, notwithstanding that the time and place for the trial thereof were appointed and fixed by another officer having jurisdiction. Trial of action

R.S.O. 1950,  
c. 227, s. 38,  
subs. 1,  
amended

**11.** Subsection 1 of section 38 of *The Mechanics' Lien Act* is amended by inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Payment  
out of  
court

- (1) Where money has been paid into court and the time for the payment out has arrived, the judge or officer shall forward a certified copy of his judgment or report and of the report on sale, if any, to the accountant of the Supreme Court, whereupon the cheques shall be delivered by the accountant to the persons entitled, or their solicitors, in accordance with the usual practice of the accountant's office.

R.S.O. 1950,  
c. 227,  
amended

**12.** The heading preceding section 40 of *The Mechanics' Lien Act* is amended by striking out "NEW TRIAL AND".

R.S.O. 1950,  
c. 227, s. 40,  
subs. 2,  
re-enacted

**13.** Subsection 2 of section 40 of *The Mechanics' Lien Act*, as amended by subsection 2 of section 9 of *The Mechanics' Lien Amendment Act, 1958*, is repealed and the following substituted therefor:

Appeal from  
reference

- (2) Where a question is referred to the master for inquiry and report under subsection 3 of section 31, an appeal lies in the manner prescribed by the rules of court.

Confirma-  
tion of  
master's  
report

- (3) Where an action is referred to the master for trial under subsection 3 of section 31, the report shall be filed and shall be deemed to be confirmed at the expiration of fifteen days from the date of service of notice of filing the same, unless notice of appeal is served within that time.

Appeal  
from  
judgment  
or report

- (4) An appeal from a judgment or report made on a reference for trial lies in like manner and to the same extent as from the decision of a judge trying an action in the Supreme Court without a jury.

Costs of  
appeal

- (5) The costs of the appeal shall not be governed by section 42 or 43, but, subject to any order of the court, shall be upon the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court, and, where it exceeds that amount, upon the Supreme Court scale.



**14.** *The Mechanics' Lien Act* is amended by adding thereto the following forms: R.S.O. 1950  
c. 227,  
amended

## FORM 8

(Section 31 (3) )

## JUDGMENT DIRECTING A REFERENCE FOR TRIAL

1. Upon the application of the plaintiff made pursuant to the provisions of subsection 3 of section 31 of *The Mechanics' Lien Act*, in the presence of counsel for the plaintiff, and the defendants, and upon reading the pleadings in this action and upon hearing what was alleged by counsel aforesaid, and (*the parties by their counsel consenting thereto, or as the case may be*).

2. THIS COURT DOTH ORDER AND ADJUDGE that this action be and the same is referred to the Master at Toronto for trial.

3. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the parties do recover the respective amounts found due by the said Master from the parties found liable by the said Master forthwith after confirmation of the report of the said Master.

4. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the said Master do determine all questions arising in this action and on the said reference, and that the findings of the said Master respecting the matters so referred be effective upon the confirmation of the Master's report.

5. AND THIS COURT DOTH FURTHER ORDER that the said Master do determine the question of costs in this action and of the said reference, and that the said costs be taxed and paid as the said Master shall direct.

## FORM 9

(Section 35(4) )

## REPORT

(Style of Cause)

Pursuant to the judgment of reference herein dated ..... and it appearing that the following persons have been duly served with notice of trial herein (*set out names of all persons served with notice of trial*) I was attended by counsel for the plaintiff and for ..... no one appearing for ..... although duly notified as aforesaid (*or as the case may be*) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C.D. and E.F. and the defendant (*or and by A.B. appearing in person*).

1. I find that the plaintiff and the several persons mentioned in the first Schedule hereto are respectively entitled to a lien under *The Mechanics' Lien Act* upon the land described in the second Schedule hereto for the amounts set opposite their respective names in the second, third and fourth columns of the said first Schedule, and the persons primarily liable for the said claims respectively are set forth in the fifth column of the said Schedule.

2. (And I find that the several persons mentioned in Schedule 3 hereto are also entitled to some lien, charge or encumbrance upon the said land for the amounts set opposite their respective names in the fourth column of the said Schedule 3, *according to the facts*.)

3. And I direct that upon the defendant (A.B., the owner) paying into Court to the credit of this action the sum of \$..... (*gross amount of liens in Schedules 1 and 3 for which owner is liable*) on or before the ..... day of ..... next, that the said liens

in the said first Schedule mentioned be and the same are hereby discharged, (and the several persons in the said third Schedule are to release and discharge their said claims and assign and convey the said premises to the defendant (*owner*) and deliver up all documents on oath to the said defendant (*owner*) or to whom he may appoint) and the said money so paid into Court is to be paid out in payment of the claims of the said lienholders (*or and encumbrancers*).

4. In case the said defendant (*owner*) shall make default in payment of the said money into Court, I direct that the said land be sold with the approbation of the Master of this Court at ..... and that the purchase money be paid into Court to the credit of this action.

5. And I direct that the said purchase money be applied in or towards payment of the several claims in the said first (*and third*) Schedule(s) mentioned as the said Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the said Master.

6. And I direct that in case the said purchase money shall be insufficient to pay in full the claims of the several persons mentioned in the said first Schedule, the persons primarily liable for such claim as shown in the first Schedule do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the said Master.

7. (And I find and declare that ..... have not proved any lien under *The Mechanics' Lien Act* and that they are not entitled to any such lien, and I direct that the claims of liens registered by them against the land mentioned in the second Schedule be and the same are hereby discharged, *according to the fact.*)

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1960.*

## CHAPTER 66

## An Act to amend The Medical Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* of subsection 1 of section 3 of *The Medical Act* are repealed and the following substituted therefor: R.S.O. 1950,  
c. 228, s. 3,  
subs. 1,  
cl. *c*,  
re-enacted;  
cl. *d*,  
repealed

(*c*) Twelve members to be elected in the manner herein-after provided from amongst and by the registered members of the profession other than those mentioned in clauses *a* and *b*. Representa-  
tives of  
profession

(2) Subsection 4 of the said section 3 is amended by striking out “ten” in the first line and inserting in lieu thereof “twelve”, R.S.O. 1950,  
c. 228, s. 3,  
subs. 4,  
amended

(3) Subsection 5 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 228, s. 3,  
subs. 5,  
re-enacted

(5) One member shall be elected from each territorial division numbered 1 to 9 inclusive in Schedule A by the registered practitioners of medicine resident in the division and three members shall be elected from territorial division numbered 10 in Schedule A by the registered practitioners of medicine resident in that division. How  
divisions  
to be  
represented

(6) The manner of holding such election shall, with respect to the time thereof and the taking of votes therefor, be determined by by-law of the Council and, in default of such by-law being passed, the Lieutenant Governor in Council shall prescribe the time and manner of holding such election. Manner of  
holding  
election

2. Subsection 6 of section 4 of *The Medical Act* is repealed. R.S.O. 1950,  
c. 228, s. 4,  
subs. 6,  
repealed

R.S.O. 1950,  
c. 228, s. 5,  
amended

**3.** Section 5 of *The Medical Act* is amended by adding thereto the following subsection:

Persons not  
entitled to  
vote, etc.

- (2) A person who is registered only in the "Educational Register" or the "Temporary Register" is not entitled to be nominated or elected as a member of the Council or to vote in any election of members of the Council.

R.S.O. 1950,  
c. 228, s. 19a  
(1952, c. 55,  
s. 1),  
subs. 1,  
amended

**4.** Subsection 1 of section 19a of *The Medical Act*, as enacted by section 1 of *The Medical Amendment Act, 1952*, is amended by striking out "College" in the first line and inserting in lieu thereof "Council".

R.S.O. 1950,  
c. 228, s. 22,  
re-enacted

**5.** Section 22 of *The Medical Act* is repealed and the following substituted therefor:

Temporary  
Register

- 22.—(1) The Council may by by-law establish and maintain a register to be known as the "Temporary Register" and may from time to time make regulations respecting the persons or classes of persons who may be registered therein, the qualifications to be required of such persons, the fees payable by those so registered, and the conditions, limitations and restrictions applicable to such persons.

Effect of  
registration

- (2) The persons registered in the Temporary Register are entitled to practise medicine, surgery and midwifery and shall be deemed to be registered medical practitioners only for the period, in the manner, to the extent, and subject to the conditions, limitations and restrictions set out in the regulations applicable to such persons.

Removal of  
name from  
Register

- (3) Upon any person so registered ceasing to comply, either as a result of circumstances or default, with the terms of the regulations applicable, the Registrar shall remove the name of such person from the Temporary Register.

R.S.O. 1950,  
c. 228, s. 32,  
subss. 1, 2,  
re-enacted

**6.** Subsections 1 and 2 of section 32 of *The Medical Act* are repealed and the following substituted therefor:

Erasure  
from  
register

- (1) Where a registered medical practitioner has, either before or after he is registered, been convicted in Canada of an indictable offence or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or been guilty of any infamous, disgraceful or improper conduct in a professional respect, such practitioner is liable to have his name erased from the register.

- (2) The Council or the executive committee may, and upon the application of any four registered medical practitioners shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section and, on proof of such conviction or such infamous, disgraceful or improper conduct, the Council shall cause the name of such person to be erased from the register.

- (2a) The name of a person shall not be erased under this section on account of his adopting, or refraining from adopting, the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of Her Majesty's realms and territories, nor on account of a conviction for an offence which though within this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine, surgery or midwifery.

7. *The Medical Act* is amended by adding thereto the following section: R.S.O. 1950  
c. 228,  
amended

- 33a.—(1) Whenever a registered medical practitioner has been declared, certified, adjudged or found to be mentally incompetent or mentally ill or incapable of managing his affairs as the result of mental illness, habitual drunkenness or the use of drugs pursuant to the relevant statutes in that behalf, the committee of the person or property of such practitioner shall forthwith notify the Registrar in writing, stating the particulars of the declaration, certification, judgment or order so made, and the name and address of the committee, and upon receipt of such notification the Registrar shall forthwith suspend the registration of such practitioner and record such suspension in the register. Suspension  
of registra-  
tion when  
mentally ill,  
etc.

- (2) Whenever, pursuant to certification by a court or voluntary application or otherwise, a registered medical practitioner is admitted for care and treatment of mental illness to a hospital or institution within the meaning of *The Mental Hospitals Act* or *The Psychiatric Hospitals Act* and remains in such hospital or institution for care and treatment after the expiration of sixty days from the day of his Idem  
R.S.O. 1950,  
cc. 229, 301

admission,



admission, the registration of such practitioner shall be deemed to be suspended as of the sixty-first day from the day of his admission and the administrator, superintendent or supervisor of such hospital or institution shall thereupon forthwith report such facts to the Registrar, who shall forthwith record such suspension in the register unless it has been previously recorded therein under subsection 1.

Notice of  
release or  
discharge

- (3) Upon the release or discharge of the practitioner from the hospital or institution, the administrator, superintendent or supervisor thereof shall forthwith notify the Registrar of such release or discharge.

Termination  
of  
suspension,  
cases under  
subs. 1

- (4) Whenever a practitioner whose registration has been suspended under subsection 1 is declared, certified, adjudged or found to be mentally competent or capable of managing his affairs by final declaration, certification, judgment or order, the Registrar shall, upon receipt of a certified copy thereof, forthwith terminate the suspension of such practitioner by an entry in the register.

Idem, cases  
under subs. 2

- (5) Any practitioner whose registration has been suspended under subsection 2 may apply to the Council for termination of the suspension of his registration, and the Council shall inquire into and determine the matter, but shall not terminate the suspension unless it is satisfied beyond reasonable doubt that the mental condition of the practitioner is such that, having due regard to the public interest, the suspension of his registration may properly be terminated.

Application  
of ss. 35-39

- (6) For the purposes of such inquiry and the termination of suspension of registration of any such practitioner, sections 35 to 39 apply, and the right of appeal mentioned in sections 36 and 37 applies to a person suspended under this section in the same manner as if his name had been erased from the register.

Hearing  
in camera  
upon request

- (7) If the applicant so requests, his application shall be heard in camera.

Entry on  
Temporary  
Register

- (8) Instead of directing the termination of suspension of registration of the practitioner, the Council may direct that his name be entered in the Temporary



Register for such period and upon such terms and conditions as the Council prescribes.

- (9) Upon the practitioner's application for termination of the suspension of his registration, the Council and the committee appointed under section 35 are entitled to examine and to be furnished by the hospital or institution with a copy of the practitioner's record of admission, diagnosis, treatment and release, and all other papers, reports and records in their possession relating to the care, treatment and conduct of the practitioner. Examination of hospital records

- (10) The record of the proceedings upon the practitioner's application for termination of suspension of registration, including all evidence, documents and exhibits in connection therewith, shall be placed in a separate envelope or container and sealed by the Registrar and, except for the purposes of an appeal from the decision of the Council, shall be deemed to be privileged communications. Disposal of record

8. Subsection 1 of section 45 of *The Medical Act* is amended by striking out "subject always to the limit prescribed by section 43" in the sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1950, c. 228, s. 45, subs. 1, amended

- (1) The provisions of sections 43 and 44 shall only continue in force so long as a by-law of the Council adopting the same remains in force, and the Council may repeal such by-law and may by by-law from time to time re-enact the said provisions in whole or in part, or with such modifications as the Council deems proper. Power of Council in respect of ss. 43, 44

9. *The Medical Act* is amended by adding thereto the following section: R.S.O. 1950, c. 228, amended

- 60a. The Council, subject to the approval of the Lieutenant Governor in Council, may make regulations prohibiting, regulating and controlling the use of the word "clinic" in connection with the practice of medicine, surgery or midwifery, and in particular may prescribe the minimum number and the classes of practitioners that may operate a clinic and the nature and extent of the services that they shall provide. Clinics

R.S.O. 1950,  
c. 228,  
Sched. A,  
re-enacted

**10.** Schedule A to *The Medical Act* is repealed and the following substituted therefor:

## SCHEDULE A

### TERRITORIAL DIVISIONS

(CONSISTING OF THE FOLLOWING COUNTIES, DISTRICTS AND MUNICIPALITIES AS THEY EXIST TERRITORIALY AT THE TIME OF THE ELECTION AT WHICH THEY ARE APPLIED)

- |   |  |
|---|--|
| 1—Essex<br>Kent<br>Lambton<br>Elgin   | 6—Peterborough<br>Northumberland<br>Prince Edward<br>Hastings<br>Lennox and Addington<br>Frontenac<br>Renfrew<br>Leeds |
| 2—Middlesex<br>Norfolk<br>Oxford<br>Perth<br>Huron                                      | 7—Lanark<br>Grenville<br>Carleton<br>Dundas<br>Stormont<br>Glengarry<br>Russell<br>Prescott                            |
| 3—Bruce<br>Grey<br>Dufferin<br>Waterloo<br>Brant<br>Wellington                          | 8—Haliburton<br>Muskoka<br>Parry Sound<br>Nipissing<br>Temiskaming<br>Manitoulin<br>Sudbury<br>Algoma<br>Cochrane      |
| 4—Haldimand<br>Welland<br>Lincoln<br>Wentworth  | 9—Thunder Bay<br>Rainy River<br>Kenora<br>Patricia   |
| 5—Simcoe<br>Halton<br>Peel<br>York, except division 10<br>Ontario<br>Durham<br>Victoria | 10—The Municipality of<br>Metropolitan Toronto   |

Application  
of ss. 1, 10

**11.** Sections 1 and 10 do not take effect until the next quadrennial election of members of the Council, except in the case of an election to fill a vacancy.

Short title

**12.** This Act may be cited as *The Medical Amendment Act, 1960*.

## CHAPTER 67

**An Act to amend  
The Mental Hospitals Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 5 of *The Mental Hospitals Act*, as amended by section 1 of *The Mental Hospitals Amendment Act, 1951*, is further amended by adding thereto the following clauses: R.S.O. 1950,  
c. 229, s. 5,  
subs. 2,  
amended

(ee) classifying institutions and prescribing their grades and standards;

(gg) classifying patients and persons and exempting any class of patients or persons from any provision of this Act.

(2) Clause *m* of subsection 2 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 229, s. 5,  
subs. 2,  
cl. *m*,  
re-enacted

(*m*) declaring that any institution or part thereof shall be exempt from any provision of this Act or of the regulations.

**2.** Section 7 of *The Mental Hospitals Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 229, s. 7,  
amended

(2) Where this Act or the regulations require or authorize the superintendent of an institution to do any act, such act may be done by any person whom the superintendent appoints to do such act. Delegation  
of superin-  
tendent's  
powers and  
duties

**3.** *The Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 229,  
amended

18a. Upon the Public Trustee becoming committee of a patient in an institution, the superintendent shall immediately obtain the patient's financial statement and forward a copy thereof to the Public Trustee. Financial  
statement

R.S.O. 1950,  
c. 229,  
amended

**4.** *The Mental Hospitals Act* is amended by adding thereto the following section:

Admission  
to  
institution  
for 30-day  
period

19a.—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an institution may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or the superintendent of the institution, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Effect of  
certificate

(2) Such certificate is sufficient authority to any person to convey the person named therein to an institution and to the authorities of the institution for his detention therein for a period not exceeding thirty days.

Discharge or  
certification

(3) Where a person has been admitted to an institution under this section, he shall be discharged, or certificated under section 24, as the needs of his case require, within the period mentioned in subsection 2.

Effect of  
certification

(4) Where a person has been admitted to an institution under this section and has been certificated, he thereafter is subject to this Act and the regulations respecting certificated patients.

R.S.O. 1950,  
c. 229, s. 20,  
subs. 1,  
re-enacted

**5.** Subsection 1 of section 20 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certificated  
patients

(1) Certificated patients shall be admitted to an institution upon the prescribed certificates of two medical practitioners, and in every case the history record in the prescribed form shall accompany such certificates.

R.S.O. 1950,  
c. 229, s. 24,  
subs. 1,  
re-enacted

**6.**—(1) Subsection 1 of section 24 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Certification  
of patient  
in an  
institution

(1) Notwithstanding anything in subsection 2 of section 19, any mentally ill person who has been admitted as a voluntary patient or a habituate patient, or any person admitted under section 19a or 35, or any person detained under section 54, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record in the prescribed form.

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 229, s. 24,  
subs. 2,  
re-enacted

- (2) At least one of the certificates required by subsection 1 shall be issued by a medical practitioner who is not an officer of the Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

Require-  
ments as to  
certificates

7. Section 69 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 229, s. 69,  
re-enacted

69. The Public Trustee shall not be committee of the estate of,

Where  
Public  
Trustee  
not  
committee

(a) a voluntary patient;

(b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations; or

(c) an habitue patient during the period he is admitted temporarily under section 48,

unless the patient in writing, signed and sealed by him, appoints the Public Trustee as committee or the Supreme Court appoints the Public Trustee as committee.

8. *The Mental Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 229,  
amended

72a. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act or an order made under this Act without the leave of a judge of the Supreme Court, and the Public Trustee shall be served with notice of the application for such leave.

Where no  
action  
without  
leave

9. *The Mental Hospitals Act* is amended by adding thereto the following sections:

R.S.O. 1950,  
c. 229,  
amended

74a. A person of whose estate the Public Trustee is committee under this Act or an order made under this Act and his heirs, executors, administrators, next-of-kin, legatees, devisees and assigns shall have the same interest in any money or other property, real or personal, arising from any sale, mortgage, exchange or other disposition by the Public Trustee

Nature of  
proceeds  
of sale,  
mortgage,  
etc.

acting



acting as such committee as they would have had in the property the subject of the sale, mortgage, exchange or other disposition if no sale, mortgage, exchange or other disposition had been made, and the surplus money or property shall be of the same nature as the property sold, mortgaged, exchanged or disposed of.

When power  
of attorney  
void

74b. Upon the Public Trustee becoming committee under this Act or an order made under this Act of the estate of a person, every power of attorney of such person is void.

R.S.O. 1950,  
c. 229, s. 77,  
re-enacted

**10.** Section 77 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Lien for  
costs, etc.

77.—(1) The costs, charges and expenses of the Public Trustee, including the costs, charges and expenses of or arising from or out of the passing of his accounts, whether before or after the discharge or death of a person of whose estate he is committee under this Act or an order made under this Act, and any moneys advanced or liability incurred by him for or on behalf of such person or for the maintenance of such person's family are a lien upon the real and personal property of such person.

Notice of  
lien, real  
property

(2) In the case of real property, the Public Trustee may register in the proper registry or land titles office a certificate under his hand and seal of office giving notice of the lien claimed and the real property against which it is claimed.

Withholding  
moneys to  
secure  
costs

(3) Where the Public Trustee is proceeding to have his accounts passed after the discharge or death of a person referred to in subsection 1, the Public Trustee may withhold sufficient moneys from the person's estate to adequately secure the costs of or arising from or out of the passing of such accounts.

R.S.O. 1950,  
c. 229, s. 82,  
re-enacted

**11.** Section 82 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Continuance  
of commit-  
teeship

82. Where a person discharged from an institution may not, in the opinion of the Public Trustee based upon the report of the superintendent of the institution, be competent to manage his affairs or such person has refused or neglected to take his property or any part thereof from the Public Trustee, the Public Trustee may apply to the Supreme Court for directions as to the disposal of such property, and the



court may make such order in the premises as it deems just, and may in its discretion order that the Public Trustee continue to administer the estate of such discharged patient with all the rights and powers that the Public Trustee would have had under this Act if the person had not been discharged from the institution.

**12.** Section 85 of *The Mental Hospitals Act* is amended by R.S.O. 1950, c. 229, s. 85, adding at the end thereof "or any part thereof or to take charge of any of his property", so that the section shall read as follows:

85. Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate or any part thereof or to take charge of any of his property.

**13.** This Act comes into force on the day it receives Royal Assent.

**14.** This Act may be cited as *The Mental Hospitals Amendment Act, 1960*.



## CHAPTER 68

**An Act to provide  
for the Registration of Mortgage Brokers**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "mortgage" has the same meaning as in *The Mortgages Act*; R.S.O. 1950,  
c. 239
- (b) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;
- (c) "person" means an individual, an association of individuals, a partnership or a corporation, and includes an agent of any of them;
- (d) "Registrar" means the registrar under *The Collection Agencies Act*; R.S.O. 1950,  
c. 56
- (e) "Superintendent" means the Superintendent of Insurance.

**2.** The Registrar may exercise the powers and shall discharge the duties conferred or imposed upon him by this Act under the supervision of the Superintendent. Powers and  
duties of  
Registrar

**3.** The Registrar shall keep a register to be called "The Mortgage Brokers Register" in which he shall enter the name of every mortgage broker to whom registration is granted, the name under which the business is carried on and the address, or the addresses if more than one, at or from which the business is carried on. Register

Registration **4.**—(1) The Superintendent shall grant registration under this Act to every applicant, except where he is of opinion, based on facts known to him, that so to do would not be in the public interest.

Review,  
appeal (2) Where the Superintendent refuses to grant registration, subsection 2 of section 10 and sections 11 and 12 apply *mutatis mutandis*.

Expiry of  
registration **5.** Every registration expires on the 30th day of June in each year but may be renewed from year to year.

Prohibitions **6.**—(1) No person shall,  
(a) carry on business as a mortgage broker unless he is registered under this Act;  
(b) carry on business as a mortgage broker otherwise than in his registered name or elsewhere than at or from his registered address.

Idem (2) No mortgage broker shall make or cause to be made any representation in writing that he is registered under this Act.

Offences (3) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for a first offence, or to a fine of not more than \$1,000 and to imprisonment for a term of not more than six months for any subsequent offence, or, being a corporation, is liable to a fine of not more than \$5,000 for any subsequent offence.

Information  
to Superin-  
tendant **7.** Every registered broker shall furnish the Superintendent with such information respecting his mortgage transactions as the Superintendent requires.

Order to  
investigate **8.**—(1) Where upon a statement made under oath it appears probable to the Superintendent that any person has,

1953-54,  
c. 51 (Can.) (a) contravened this Act or the *Criminal Code* (Canada) in connection with his business as a mortgage broker; or

(b) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage,

the Superintendent may appoint the Registrar or any other person to make such investigation as he deems expedient for the due administration of this Act and any such order shall determine and prescribe the scope of the investigation.

(2) For the purposes of any such investigation, the person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, advertisements, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

(3) For the purposes of any such investigation, the person making the investigation is not bound by the rules of evidence and has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath, or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but,

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;
- (b) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, except that a solicitor shall not be required to disclose any communications between himself and his client; and
- (d) no provisions of *The Evidence Act* exempt any bank or any officer or employee thereof from the operation of this section.

(4) The person appointed to make any such investigation may seize and take possession of any documents, records, securities or other property of the person whose affairs are being investigated that relate to any matter under investigation, but any person affected by such a seizure may, on notice, apply to a judge of the Supreme Court for an order exempting any document, record, security or other property so seized and the judge may make such order if he is of the opinion that the document, record, security or other property does not relate to the matter under investigation.

(5) Where any such investigation is ordered, the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person whose affairs are being investigated.



Report of  
investigation

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Order to  
hold or  
refrain from  
dealing with  
funds

9.—(1) The Superintendent may,

- (a) where he is about to investigate or during or after the investigation of any person under section 8; or
- (b) where criminal proceedings or proceedings in respect of a contravention of this Act are about to be or have been instituted against any person that in the opinion of the Superintendent are connected with or arise out of a mortgage transaction,

in writing or by telegram direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, 1953, or the *Winding-up Act* (Canada), or until the Superintendent in writing revokes such direction or consents to release any particular fund or security from such direction, provided that in the case of a bank, loan or trust company the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
c. 14  
R.S.O. 1950,  
c. 190  
1953, c. 19  
R.S.C. 1952,  
c. 296

Application  
for  
direction

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any funds or security, or in case of a claim being made thereto by any person not named in the direction, may apply to a judge of the Supreme Court who may direct the disposition of such funds or security and may make such order as to costs as seems just.

Notice to  
registrars  
of deeds

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Superintendent may in writing or by telegram notify any registrar of deeds or master of titles or any local master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens* or a caution, save that the Superintendent may in writing revoke or modify the notice.



**10.**—(1) If a person registered under this Act has been found to have done any of the things mentioned in clauses *a* and *b* of subsection 1 of section 8 or if for any other reason the Superintendent is of opinion that his registration is not in the public interest, the Superintendent may suspend or cancel or refuse to renew his registration. Suspension, cancellation, etc., of registration

(2) Upon the suspension of, cancellation of or the refusal to renew a registration, the Registrar shall cause notice in writing thereof to be delivered to the person concerned. Notice

**11.**—(1) Any person whose registration or right to registration is affected by a decision of the Superintendent may, by notice in writing served upon the Superintendent within thirty days after the delivery of the notice under section 10, request a hearing and review of the matter by the Superintendent. Review

(2) Where a hearing and review are requested, the Superintendent shall send a notice in writing to the person who requested the review notifying him of the time and place of the hearing. Notice of hearing

(3) Upon a review, the Superintendent shall hear such evidence as is submitted to him which in his opinion is relevant to the matter in dispute, and he is not bound by any law respecting the admissibility of evidence, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, form the record. Evidence

(4) Upon a review, the Superintendent may confirm or revoke his former decision or may make any other decision he deems proper. Powers on review

(5) Notice of his decision made upon a review shall be delivered forthwith to the person that requested the review. Decision to be delivered

**12.**—(1) Where the Superintendent has reviewed a decision and given his decision upon the review, the person that requested the review may appeal to a justice of appeal of the Court of Appeal. Appeal

(2) Every appeal shall be by notice of motion served upon the Superintendent within thirty days after the delivery of the decision under subsection 5 of section 11, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. Form of appeal

Certificate  
of Superin-  
tendent

(3) The Superintendent shall certify to the Registrar of the Supreme Court,

- (a) the decision that has been reviewed by him;
- (b) his decision upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to him and other material that in his opinion are relevant to the appeal.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Order of  
judge

(5) Where an appeal is taken under this section, the judge may by his order direct the Superintendent to make such decision as the Superintendent is authorized to do under this Act and as the judge deems proper and thereupon the Superintendent shall act accordingly.

Further  
decision

(6) The order of the judge is final and there shall be no appeal therefrom, but, notwithstanding the order, the Superintendent has power to make any further decision upon new material or where there is a material change in the circumstances, and every such further decision is subject to section 11 and this section.

Evidence

**13.** The production of a certificate purporting to be signed by the Superintendent or the Registrar is admissible in evidence in any court as *prima facie* proof of its contents without proof of the appointment or signature of the Superintendent or Registrar, as the case may be.

Exemptions

**14.** This Act does not apply to,

R.S.O. 1950,  
cc. 183, 214,  
187

- (a) corporations registered under *The Insurance Act*, *The Loan and Trust Corporations Act* or *The Investment Contracts Act*;

1953-54,  
c. 48 (Can.)

- (b) banks under the *Bank Act* (Canada);
- (c) credit unions;

1953, c. 19

- (d) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 346 of *The Corporations Act*, 1953.

**15.** The Lieutenant Governor in Council may make ~~regu-~~ Regulations  
lations,

- (a) exempting persons or classes of persons from this Act in addition to those exempted under section 14;
- (b) respecting the method of registration;
- (c) prescribing the fee payable on application for registration, registration and renewal of registration;
- (d) requiring the keeping of such books and records as may be prescribed;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

**16.** This Act comes into force on a day to be named by <sup>Commence-</sup>  
the Lieutenant Governor by his proclamation. <sub>ment</sub>

**17.** This Act may be cited as *The Mortgage Brokers Regis-* Short title  
*tration Act, 1960.*



## CHAPTER 69

## An Act to amend The Municipal Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out "planning" in the sixth line, so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 24 (1954, c. 56, s. 1), subs. 1. amended

(1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including unemployment relief, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes. Power to create inter-urban administrative areas R.S.O. 1950, c. 96

2. Subsection 5 of section 53 of *The Municipal Act*, as enacted by section 2 of *The Municipal Amendment Act, 1951*, is amended by striking out "in a county and" in the first and second lines and by striking out "instead of being composed as provided in subsection 3" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1950, c. 243, s. 53, subs. 5 (1951, c. 53, s. 2), amended

(5) The council of a village or township divided into wards may by by-law provide that thereafter the council shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000. Alternative composition where wards



R.S.O. 1950,  
c. 243, s. 56,  
subs. 2,  
amended

3.—(1) Subsection 2 of section 56 of *The Municipal Act* is amended by striking out “annual” in the fifth line and inserting in lieu thereof “next ensuing”, so that the subsection shall read as follows:

Ineligibility  
of member  
whose term  
of office  
has not  
expired to  
qualify for  
another  
office unless  
he resigns  
his present  
office

- (2) In any municipality in which under this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the next ensuing municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

R.S.O. 1950,  
c. 243, s. 56,  
subs. 3, cl. e,  
amended

(2) Clause *e* of subsection 3 of the said section 56 is amended by striking out “highway or of any work” in the third line and inserting in lieu thereof “work, other than a highway”, so that the clause shall read as follows:

- (*e*) of his having been appointed and paid for his services as commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation.

R.S.O. 1950,  
c. 243, s. 95a  
(1955, c. 48,  
s. 13),  
subs. 1,  
amended

4.—(1) Subsection 1 of section 95a of *The Municipal Act*, as enacted by section 13 of *The Municipal Amendment Act, 1955*, is amended by inserting after “papers” in the fourth line “in such form as the by-law prescribes”, so that the subsection shall read as follows:

Composite  
ballot  
papers  
authorized

- (1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers in such form as the by-law prescribes which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

R.S.O. 1950,  
c. 243, s. 95a  
(1955, c. 48,  
s. 13),  
subs. 4,  
repealed

- (2) Subsection 4 of the said section 95a is repealed.

R.S.O. 1950,  
c. 243, s. 133,  
amended

5. Section 133 of *The Municipal Act* is amended by adding thereto the following subsection:

Opening of  
box where  
documents  
placed in  
box in  
error

- (2) Where the documents referred to in subsection 1 are in error placed in the ballot box or where the statement cannot be interpreted by the returning officer,

the returning officer may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the returning officer.

**6.** Subsection 5 of section 170 of *The Municipal Act* is R.S.O. 1950, c. 243, s. 170, subs. 5, amended amended by striking out "annual" in the fifth line, so that the subsection shall read as follows:

- (5) Where the seat of a member of council is rendered Vacancies not requiring a by-election vacant by reason of the filing of the resignation mentioned in subsection 2 of section 56, the vacancy shall not be filled in the manner provided in section 168 or 169, but the seat shall remain vacant until the next ensuing election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office.

**7.** *The Municipal Act* is amended by adding thereto the R.S.O. 1950, c. 243, amended following sections:

227a.—(1) Notwithstanding any general or special Act, Executive committee in townships in townships having a population of more than 45,000, the council may pass a by-law providing that there shall be an executive committee consisting of,

- (a) the head of council; and
- (b) where,
  - (i) the deputy reeve is elected at large, the deputy reeve, or
  - (ii) there is more than one deputy reeve, a deputy reeve to be elected to the committee by council; and
- (c) one councillor to be elected to the committee by council or, where there is no deputy reeve, two councillors to be elected to the committee by council; and
- (d) where there are more than fifteen members of council, one additional member of council to be elected to the committee by council.

- (2) A by-law passed under subsection 1 shall be passed By-law establishing executive committee, effective date not later than the 1st day of November in any year and shall take effect when the council is organized following the next municipal election after the by-law is passed and no such by-law shall be repealed

until

until at least six years have elapsed from the time it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year.

Term of  
office

- (3) The members of the executive committee elected to the committee by council shall hold office for one year and until their respective successors are elected.

Vacancies

- (4) If any vacancy occurs in the office of a member elected to the executive committee by council, the vacancy shall be filled by election by council in accordance with subsection 1, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor.

Travelling  
expenses,  
etc.

- (5) The members of an executive committee shall be entitled to be reimbursed for any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties.

Absence or  
vacancy in  
office of  
head of  
council

- (6) During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the executive committee.

Quorum

- (7) Two members of the executive committee shall form a quorum and the head of council, if present, shall preside at all meetings.

Application  
of ss. 226,  
227

- (8) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 226 and subsections 9, 10, 11, 12 and 13 of section 227 shall apply to this section as if the executive committee were acting in the place of a board of control.

Amendment  
or repeal  
of by-law

- (9) Except by a vote of three-fourths of all the members of the council, no by-law passed under subsection 1 shall be amended or repealed.

Salaries  
of members  
of executive  
committee

- 227b. The council of any township having an executive committee may by by-law fix the salaries of the members of the committee, other than the head of council, and the salaries so fixed together with the annual allowance paid for being a member of the council under subsection 1 of section 418 or the total daily remuneration for attendance at meetings of the council and of its committees under subsection 1 of section 417 shall not exceed in the total,

(a) where the population of a township is less than 100,000, a sum not exceeding \$2,500 per annum;

(b) where the population of a township is 100,000 or more but less than 150,000, a sum not exceeding \$3,500 per annum;

(c)

- (c) where the population of a township is 150,000 or more but less than 200,000, a sum not exceeding \$4,500 per annum;
- (d) where the population of a township is 200,000 or more but less than 300,000, a sum not exceeding \$6,000 per annum; and
- (e) where the population of a township is 300,000 or more, a sum not exceeding \$8,500 per annum.

8. Section 247 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 243, s. 247,  
re-enacted

247.—(1) The auditor of a municipality has right-of-access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his opinion may be necessary to enable him to carry out such duties as are prescribed by the Department. Right of  
access, etc.

(2) The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Auditor  
may take  
evidence on  
oath  
R.S.O. 1950,  
c. 308

(3) The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Auditor  
may attend  
meetings

9. Subsection 1 of section 257 of *The Municipal Act*, as re-enacted by subsection 1 of section 24 of *The Municipal Amendment Act, 1955*, is amended by striking out "or \$2,500" in the eighteenth line, so that the subsection shall read as follows: R.S.O. 1950,  
c. 243, s. 257,  
subs. 1  
(1955, c. 48,  
s. 24,  
subs. 1),  
amended

(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who, Retirement  
allowances  
R.S.O. 1950,  
c. 96



(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service.

R.S.O. 1950,  
c. 243, s. 299  
(1952, c. 63,  
s. 11),  
subs. 3,  
amended

**10.** Subsection 3 of section 299 of *The Municipal Act*, as re-enacted by section 11 of *The Municipal Amendment Act, 1952*, is amended by adding at the end thereof "and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval", so that the subsection shall read as follows:

Approval of  
Municipal  
Board

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board and sections 70 to 72 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval.

R.S.O. 1950,  
c. 262

R.S.O. 1950,  
c. 243, s. 300,  
subs. 2  
(1957, c. 76,  
s. 14,  
subs. 1),  
amended

**11.**—(1) Subsection 2 of section 300 of *The Municipal Act*, as re-enacted by subsection 1 of section 14 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by adding thereto the following clauses:

(ff) agreements respecting policing of the whole or any part of a municipality by the Ontario Provincial Police Force under section 51 of *The Police Act*;

R.S.O. 1950,  
c. 279

. . . . .

(kk) agreements for a term not exceeding five years respecting the provision, maintenance or hiring of an ambulance by a board of health under section 28 of *The Public Health Act* when such agreement has been approved by the council of the corporation;

R.S.O. 1950,  
c. 306

. . . . .

R.S.O. 1950,  
c. 281

(q) agreements under *The Power Commission Act* with The Hydro-Electric Power Commission of Ontario on its behalf or on behalf of Her Majesty in right of Ontario.



(2) Subsection 2 of the said section 300 is further amended by adding thereto the following clause:

R.S.O. 1950,  
c. 243, s. 300,  
subs. 2  
(1957, c. 76,  
s. 14,  
subs. 1),  
amended

- (r) agreements respecting matters of employment of officers, servants and employees of the corporation or a local board thereof.

(3) Clause *b* of subsection 3 of the said section 300, as re-enacted by subsection 2 of section 10 of *The Municipal Amendment Act, 1959*, is amended by inserting after "29" in the second line "34a", so that the clause shall read as follows:

R.S.O. 1950,  
c. 243, s. 300,  
subs. 3  
(1959, c. 62,  
s. 10,  
subs. 2),  
cl. b,  
amended

- (b) for providing money for any of the purposes mentioned in paragraph 13a, 29, 34a, 48, 51a, 51b, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

. . . . .

**12.** Subsection 3 of section 333 of *The Municipal Act*, as re-enacted by section 18 of *The Municipal Amendment Act, 1957 (No. 2)*, is amended by striking out "In a local municipality having a population of not less than 50,000", in the first and second lines, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 333,  
subs. 3  
(1957, c. 76,  
s. 18),  
amended

- (3) The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced.

Execution  
of  
debentures

**13.** Clause *c* of section 344 of *The Municipal Act* is repealed.

R.S.O. 1950,  
c. 243, s. 344,  
cl. c,  
repealed

**14.** Subsection 2 of section 367 of *The Municipal Act* is amended by inserting after "within" in the first line "any municipality in the county including", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 243, s. 367  
subs. 2,  
amended

- (2) The corporation of a county may acquire land within any municipality in the county including a city or separated town, whether such city or separated town is the county town or not, for the purpose of erecting and may erect thereon a court house, a jail and buildings for use as a county hall and for offices for the county officials.

County  
acquiring  
land in  
any  
municipality  
including  
city or  
separated  
town

R.S.O. 1950, c. 243, s. 377, re-enacted **15.** Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

City to have voice in improvements in excess of \$10,000      **376a.** Where a city or separated town is required to contribute towards the cost of enlarging, improving or repairing a court house or jail and the cost thereof will be in excess of \$10,000, the city and separated town shall have a voice in determining whether or not such enlargement, improvement or repair should be made or another court house or jail erected.

Arbitration on site and advisability of improvements in excess of \$10,000      **377.** Unless the councils of the county and city and separated town agree, the site of the court house or jail, or whether or not any enlargement, improvement or repair of the court house or jail should be made or another court house or jail erected under section 376a, shall be determined by arbitration under *The Arbitration Act*.

R.S.O. 1950, c. 20, amended **16.—**(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Providing for determination of disputes under agreements      **6a.** For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Municipal Board as sole arbitrator.

R.S.O. 1950, c. 243, s. 386, par. 29, amended      (2) Paragraph 29 of the said section 386, as amended by subsection 1 of section 15 of *The Municipal Amendment Act, 1952* and subsection 2 of section 20 of *The Municipal Amendment Act, 1957 (No. 2)*, is further amended by adding thereto the following clause:

(a) Granting aid for the purposes of this paragraph shall be deemed to include and to have always included granting money or land in aid.

R.S.O. 1950, c. 243, s. 386, amended      (3) The said section 386 is further amended by adding thereto the following paragraphs:

Aid to art galleries      **31a.** For granting money or land in aid of any art gallery in the municipality or in an adjacent municipality operated on a non-profit basis for the advancement of culture and for the benefit of the public, upon such terms and conditions as the council deems expedient.

. . . . .

Aid to Royal Botanical Gardens      **34a.** For granting aid to the Royal Botanical Gardens.

. . . . .

- 46c. For placing or permitting any person, under such conditions as may be agreed upon, to erect transit system shelters on the untravelled portion of a highway under its jurisdiction.

(4) Subclause ii of clause *a* of paragraph 48 of the said section 386, as re-enacted by section 4 of *The Municipal Amendment Act, 1958 (No. 2)*, is amended by adding at the end thereof "but does not include a hospital established under any general or special Act and operated by a municipal corporation", so that the subclause shall read as follows:

Transit  
system  
shelters  
R.S.O. 1950,  
c. 243, s. 386,  
par. 48  
(1958, c. 65,  
s. 4), cl. a,  
subcl. ii,  
amended

- (ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof, but does not include a hospital established under any general or special Act and operated by a municipal corporation.

(5) Paragraph 53 of the said section 386, as amended by subsection 8 of section 20 of *The Municipal Amendment Act, 1954*, subsection 5 of section 37 of *The Municipal Amendment Act, 1955*, subsection 2 of section 14 of *The Municipal Amendment Act, 1956* and subsections 4 and 5 of section 28 of *The Municipal Amendment Act, 1958*, is further amended by inserting after "stadia" in the seventh line "museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art", so that the paragraph, exclusive of the clauses, shall read as follows:

R.S.O. 1950,  
c. 243, s. 386,  
par. 53,  
amended

53. Notwithstanding any general or special Act, subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement within or outside the municipality which may or may not be in

Special  
undertakings

commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

R.S.O. 1950,  
c. 243, s. 387,  
cl. *b*,  
subcls. ii,  
iii,  
re-enacted

**17.** Subclauses ii and iii of clause *b* of section 387 of *The Municipal Act* are repealed and the following substituted therefor:

- (ii) for the establishment and maintenance of emergency measures civil defence organizations, and
- (iii) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
par. 91*b*  
(1956, c. 50,  
s. 15,  
subs. 6),  
cl. *b*,  
amended

**18.**—(1) Clause *b* of paragraph 91*b* of subsection 1 of section 388 of *The Municipal Act*, as enacted by subsection 6 of section 15 of *The Municipal Amendment Act, 1956*, is amended by striking out “\$10” in the sixth line and inserting in lieu thereof “\$20”, so that the clause shall read as follows:

Licence  
fees

- (*b*) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

R.S.O. 1950,  
c. 243, s. 388,  
subs. 1,  
amended

(2) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs:

Pedestrian  
ways or  
malls

- 107*a*. Subject to the approval of the Minister of Transport, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified.

. . . . .

Attaching  
of things  
to property  
of public  
utility

- 118*a*. For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in subclause ii of clause *a* of paragraph 48 of section 386.



**19.** Section 402 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1950, c. 243, s. 402, amended

- 1a. For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal: Aid for animal losses due to rabies

cattle.....	\$250
horses.....	100
goats.....	40
sheep.....	40
swine.....	40

**20.**—(1) Clause *a* of paragraph 1 of subsection 1 of section 410 of *The Municipal Act* is amended by adding “or” at the end of subclause v and by adding thereto the following subclause: R.S.O. 1950, c. 243, s. 410, subs. 1, par. 1, cl. a, amended

- (vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

(2) Paragraph 5 of subsection 1 of the said section 410 is repealed. R.S.O. 1950, c. 243, s. 410, subs. 1, par. 5, repealed

(3) Every by-law that was passed under paragraph 5 of subsection 1 of section 410 of *The Municipal Act* that is in force on the day *The Employment Agencies Act, 1960* comes into force is repealed. Employment agency by-laws repealed

**21.** Section 412 of *The Municipal Act*, as amended by section 28 of *The Municipal Amendment Act, 1954*, is further amended by adding thereto the following paragraph: R.S.O. 1950, c. 243, s. 412, amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards. Licensing non-resident transient photographers

**22.** Section 421 of *The Municipal Act*, as re-enacted by section 44 of *The Municipal Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 243, s. 421 (1955, c. 48, s. 44), re-enacted

421. The council of any municipality may pay for or towards, Expenses for entertaining guests

- (a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and and for travelling on civic business

- (b) the travelling and other expenses of the members of council and of the officers and servants



of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants a sum not exceeding in any one year,

- (i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

- (ii) in the case of a county..... 2,500

and such sums do not include expenditures made under paragraphs 8, 9, 10, 11 and 11a of section 386 or expenditures for travelling and other expenses of the officers and servants of the municipality while travelling on normal business of the municipality within or outside the municipality, but do include expenses of members of council and of officers and servants of the municipality for attending other conventions and receptions.

R.S.O. 1950,  
c. 243,  
s. 448a  
(1959, c. 62,  
s. 24),  
re-enacted

**23.** Section 448a of *The Municipal Act*, as enacted by section 24 of *The Municipal Amendment Act, 1959*, is repealed and the following substituted therefor:

Notice of  
excavating  
to owner  
of utility  
works

448a. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done.

R.S.O. 1950,  
c. 243, s. 483,  
subs. 4,  
amended

**24.** Subsection 4 of section 483 of *The Municipal Act* is amended by adding thereto the following clause:

- (i) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, notwithstanding that such attachment would not injure or destroy the tree.

**25.** Form 4 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 243,  
Form 4,  
re-enacted

## FORM 4

(Section 95(2) )

BALLOT PAPER FOR CITIES  
OF NOT LESS THAN 200,000 POPULATION

## FORM FOR MAYOR AND CONTROLLERS

<b>CITY OF TORONTO</b> <b>Municipal Elections</b>  <b>Ward No.</b> <b>Polling Subdivision No.</b>  <b>FOR MAYOR</b>	<b>ALLAN</b>  Charles Allan, Merchant.
	<b>BROWN</b>  William Brown, Banker.

### FORM FOR ALDERMEN

<p>CITY OF TORONTO</p> <p>Municipal Elections</p> <p>Ward No.      Polling Subdivision No.</p>	<p>19</p>	<p><b>FOR ALDERMAN</b></p>
		<p><b>ARGO</b></p> <p>James Argo, Gentleman.</p>
		<p><b>BAKER</b></p> <p>Samuel Baker, Baker.</p>
		<p><b>DUNCAN</b></p> <p>Robert Duncan, Printer.</p>
		<p><b>ROBINSON</b></p> <p>Archibald Robinson, Butcher.</p>

Expenditures  
for 1959  
authorized

**26.** For the purposes of expenditures for the year 1959 made under section 421 of *The Municipal Act*, a municipality shall be deemed to have had the authority to expend twice the amount authorized for the municipality under that section.

Commence-  
ment

**27.—**(1) This Act, except subsection 2 of section 11, subsection 4 of section 16 and sections 19 and 22, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 11 shall be deemed to have come into force on the 27th day of March, 1958.

Idem

(3) Subsection 4 of section 16 shall come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(4) Section 19 shall be deemed to have come into force on the 1st day of April, 1958.

Idem

(5) Section 22 shall be deemed to have come into force on the 1st day of January, 1960.

Short title

**28.** This Act may be cited as *The Municipal Amendment Act, 1960*.

## CHAPTER 70

**An Act to amend  
The Municipal Tax Assistance Act, 1952**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 of section 3 of *The Municipal Tax Assistance Act, 1952* is amended by inserting after "lands" in the first line "public lands set apart as a wilderness area", so that the subsection shall read as follows: 1952, c. 66,  
s. 3, subs. 6,  
amended

(6) This Act does not apply to unpatented lands, public lands set apart as a wilderness area, provincial property used for park purposes including the buildings in the parks, hospitals, penal and reform institutions, educational institutions, museums and libraries, highways, jails, cemeteries, minerals, farms operated by institutions, experimental and demonstration farms, cooling stations, weigh-scales and inspection stations, fish hatcheries, provincial forests and real property subject to municipal taxation under section 32 of *The Assessment Act*, or acquired or held for the purpose of a housing project, or any provincial property for which, in the opinion of the Minister of Municipal Affairs, municipal services are not available. Exception  
R.S.O. 1950,  
c. 24

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1960. Commence-  
ment

**3.** This Act may be cited as *The Municipal Tax Assistance Amendment Act, 1960*. Short title





## CHAPTER 71

**An Act to amend  
The Municipal Unconditional Grants Act, 1953**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 6*b* of *The Municipal Unconditional Grants Act, 1953*, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1959*, is repealed and the following substituted therefor: 1953, c. 72,  
s. 6*b*  
(1959, c. 64,  
s. 1), subs. 2,  
re-enacted

- (2) In each of the years 1959 and 1960 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1959 be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1959 or in the year 1960 be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1960. Grants re  
indigent  
hospitaliza-  
tion

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1960*. Short title



## CHAPTER 72

## An Act to amend The Municipality of Metropolitan Toronto Act, 1953

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipality of Metropolitan Toronto Act, 1953* is <sup>1953, c. 73,</sup> amended by adding thereto the following sections: <sup>amended</sup>

86b.—(1) The Metropolitan Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any metropolitan road or any portion of a metropolitan road than is prescribed in subsection 1 of section 28 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. <sup>Speed limits on metropolitan roads R.S.O. 1950, c. 167</sup>

(2) No by-law passed under subsection 1 shall become effective until approved by the Department of Transport and the metropolitan roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. <sup>Approval of by-laws</sup>

86c. The Metropolitan Council may by by-law prescribe the rate of speed for motor vehicles driven on lands vested in the Metropolitan Corporation under Part XIII in accordance with subsection 2 of section 28 of *The Highway Traffic Act*. <sup>Speed limits in metropolitan parks</sup>

86d. The Metropolitan Council may by by-law empower the council of any area municipality to lease or license the use of untravelled surface portions of metropolitan roads within those portions of the area municipality zoned for commercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. <sup>Use of untravelled portions of metropolitan roads for parking</sup>

1953, c. 73,  
amended

**2.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Sick benefit  
plan  
R.S.O. 1950,  
cc. 183, 285

104a.—(1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act, 1953*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for contributing toward the cost thereof.

1953, c. 19

Commission  
contributions

(2) No contract under subsection 1 shall authorize contributions by the Commission in excess of the total of those made by the employees.

Idem

(3) The Commission shall only make contributions in respect of,

(a) regular employees who have been employed for at least sixty days with the Commission and their wives or husbands and dependent children;

(b) retired employees who reside in Ontario and who elect to continue the benefits,

and shall not make contributions in respect of temporary or seasonal employees or dependants of regular employees other than wives or husbands and dependent children.

Special  
benefits  
for other  
dependants

(4) Special service and medical and surgical benefits may be provided for dependants other than wives or husbands and dependent children of regular employees, and for dependants of retired employees, who so elect, provided the cost thereof shall be borne by such employees.

Sick-pay  
benefits

(5) Sick-pay benefits shall not be provided for other than active regular employees of the Commission.

Greater  
sick-pay on  
election of  
employee

(6) Weekly sick-pay in an amount greater than may be provided under the other provisions of this section may be provided for such employees who elect to bear the excess cost of such greater sick-pay.

(7) The Commission may assume the cost of the administration of the benefits provided under this section. Administration costs

(8) The sick-pay, special service and medical and surgical benefits provided or to be provided before the 1st day of January, 1961, and contributions made in relation thereto by the Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed and declared to be legal and valid. Benefits validated

**3.** *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended amended by adding thereto the following section:

112b.—(1) So long as the lands and easements heretofore or hereafter acquired by the Metropolitan Corporation for the right-of-way of the extension to the rapid transit system of the Commission known as the Bloor-Danforth-University Avenue Subway are owned by the Metropolitan Corporation and used by the Commission for the purpose of the Subway, such lands and easements and any buildings and structures thereon so owned and used are exempt from business and real property taxation and the Commission is not liable for payments in lieu thereof under section 39 of *The Assessment Act*. Tax exemption re Bloor-Danforth-University Subway  
R.S.O. 1950, c. 24

(2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in any such buildings or structures. Application

(3) The exemption provided by subsection 1 shall be deemed to be an exemption from taxation provided by section 4 of *The Assessment Act*. Deemed exemption under R.S.O. 1950, c. 24, s. 4

**4.** Section 125 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, section 17 of *The Municipality of Metropolitan Toronto Amendment Act, 1957* and section 7 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is further amended by adding thereto the following subsection: 1953, c. 73, s. 125, amended

(7) Where a child, who is a ward of the Children's Aid Society or whose mother is his sole support, has the right to attend a public or secondary school in the Wards of Children's Aid Society, etc.



Metropolitan Area and does attend a public or secondary school in an area municipality, the School Board shall pay to the board of education of the area municipality a maintenance assistance payment and, notwithstanding any other Act, the net cost of education of such child less the amount of such maintenance assistance payment.

1953, c. 73,  
s. 128  
(1958, c. 68,  
s. 9), subs. 2,  
re-enacted

5.—(1) Subsection 2 of section 128 of *The Municipality of Metropolitan Toronto Act, 1953*, as re-enacted by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1958*, is repealed and the following substituted therefor:

General  
legislative  
grants  
payable to  
boards of  
education

(2) The general legislative grants in respect of an expenditure by a board of education from its current funds approved by the Minister for,

- (a) night schools;
- (b) text books and reference books;
- (c) milk for consumption by pupils;
- (d) membership fees paid to a trustee organization;
- (e) the construction of junior kindergartens not approved by the school board; and
- (f) school buses and transportation of pupils,

shall be paid to the board of education that made the expenditure for these goods and services.

1953, c. 73,  
s. 128  
(1958, c. 68,  
s. 9),  
amended

(2) The said section 128 is amended by adding thereto the following subsections:

Change in  
maintenance  
assistance  
payments  
on change  
in use of  
property

(4) Where a board of education transfers property from the use for which it was designated and an adjustment is made in the approved cost for legislative grant purposes, the school board shall reduce or increase the maintenance assistance payment to the board of education by the amount of the reduction or increase in the legislative grant payable as a result of such transfer.

Deduction  
from main-  
tenance  
assistance  
payments

(5) The school board shall reduce the maintenance assistance payment for each board of education by the amount that is deducted from the legislative grants for payment to the Teachers' Superannuation Fund on behalf of the teachers employed by that board of education.

**6.**—(1) Subsection 1 of section 175j of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by striking out “Metropolitan Board” in the first line and inserting in lieu thereof “Metropolitan Council, on the recommendation of the Metropolitan Board”, so that the subsection shall read as follows:

- (1) The Metropolitan Council, on the recommendation of the Metropolitan Board, shall provide such pension plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, as the Minister may approve, and may provide for the incorporation of the plan of any area municipality and the Toronto Police Benefit Fund with the plan established under this section, and may provide for the transfer of the interests of such members who were in the service of the police force of an area municipality from the Toronto Police Benefit Fund and from the pension plan of any area municipality to the pension plan established under this section.

(2) The said section 175j is amended by adding thereto the following subsections:

- (3a) Every chief constable, constable and other police officer of the police force of an area municipality who has become a member of the Metropolitan Police Force pursuant to subsection 1 of section 175h, or his beneficiaries, shall be entitled on termination of his services with the Metropolitan Police Force to all benefits accrued up to the 31st day of December, 1956, under the pension plan of the area municipality, and his employment by and service with the Metropolitan Police Force shall be deemed to be employment by and service with the police force of the area municipality for the purpose of determining eligibility for any such accrued benefits.
- (3b) An area municipality shall be liable to pay benefits accrued up to the 31st day of December, 1956, under subsection 3a only to the extent that such benefits exceed the benefits provided for services before the 1st day of January, 1957, in the pension plan established under this section.
- (3c) Subject to the approval of the Minister, the Metropolitan Council, on the recommendation of the Metropolitan Board, may by by-law provide benefits

under

under the pension plan established under this section with respect to services performed prior to the 1st day of January, 1957, by the chief constables, constables and other police officers of the police forces of the area municipalities who have become members of the Metropolitan Police Force under subsection 1 of section 175*h* on a basis not less favourable than the basis required by subsection 2 for services after that date, and in such event the Metropolitan Council, with the like approval, may, for such purpose, determine,

- (a) the extent to which the provisions of subsections 3 and 7 shall continue to apply;
- (b) the payments to be made to such pension plan by each area municipality; and
- (c) the assets to be assigned or transferred under subsection 6.

Idem

- (3*d*) The benefits authorized by subsection 3*c* may be provided for such chief constables, constables and other police officers whose services with the Metropolitan Police Force were terminated by retirement with immediate pension benefits or by death after the 1st day of January, 1957, and before the date a by-law passed under subsection 3*c* becomes effective.

Payments  
of area  
municipalities on  
deferred  
basis

- (3*e*) Any payments required to be made by an area municipality under subsection 3*c* other than assets transferred or assigned may, with the consent of the Metropolitan Council, be on a deferred basis and raised in a subsequent year or years and any such payments shall be deemed to be current expenditures.

Additional  
payments by  
Metropolitan  
Corporation

- (3*f*) Any additional payments required to be made by the Metropolitan Corporation to provide the benefits authorized by subsection 3*c* may be on a deferred basis and raised in a subsequent year or years and shall be deemed to be current expenditures.

1953, c. 73,  
s. 175*t*  
(1956, c. 53,  
s. 18),  
amended

**7.** Section 175*t* of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by adding thereto the following subsection:

Chairman  
and quorum

- (3) The Licensing Commission shall elect a chairman and may elect a vice-chairman, and a majority of the members of the Licensing Commission constitutes a quorum.

8. Subsection 2 of section 175u of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 18 of *The Municipality of Metropolitan Toronto Amendment Act, 1956*, is amended by inserting after "licensing" in the fifth line "revoking of a licence", so that the subsection shall read as follows:

- (2) The Metropolitan Council, by reference to the provisions of any Act, may by by-law authorize the Licensing Commission to exercise the powers of any area municipality or board of commissioners of police with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any trade, calling, business or occupation or the person carrying on or engaged in it and upon being so authorized the Licensing Commission may exercise such powers.

9.—(1) Section 180 of *The Municipality of Metropolitan Toronto Act, 1953*, as amended by section 40 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is further amended by inserting after "23" in the amendment of 1957 "26", so that subsection 1 of the said section shall read as follows:

- (1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 19, 21 to 23, 26, 28 and 29 of *The Planning Act, 1955*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act, 1955* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area.

(2) The said section 180 is further amended by adding thereto the following subsection:

- (2) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

10. Subsection 3 of section 190a of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 46 of *The Municipality of Metropolitan Toronto Amendment Act, 1957*, is amended by inserting after "under" in the eleventh line "section 6 of", so that the subsection shall read as follows:

- (3) The amount to be raised in each year by levy on the total assessment under clause *b* of subsection 1 shall

be



be a sum equal to the proportion of the total of the sums to be levied against the area municipalities under section 190 that the total assessment under clause *b* of subsection 1 bears to the total assessment for real property and business assessment in the Metropolitan Area according to the last revised assessment rolls less the amount of the estimated revenue from payments to be received in that year by the Metropolitan Corporation under section 6 of *The Municipal Unconditional Grants Act, 1953*.

1953, c. 72

1953, c. 73,  
s. 193,  
subs. 5,  
re-enacted

**11.** Subsection 5 of section 193 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Bonds,  
debentures,  
etc.,  
trustee  
investments  
R.S.O. 1950,  
c. 400

- (5) Bonds, debentures and other evidences of indebtedness of the Metropolitan Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

1953, c. 73,  
s. 197,  
subs. 19  
(1955, c. 50,  
s. 21,  
subs. 2),  
amended

**12.** Subsection 19 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is amended by striking out "3" in the fourth line and inserting in lieu thereof "3½", so that the subsection shall read as follows:

Principal  
levies

- (19) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3½ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

1953, c. 73,  
s. 214,  
subs. 7  
(1955, c. 50,  
s. 24),  
re-enacted

**13.** Subsection 7 of section 214 of *The Municipality of Metropolitan Toronto Act, 1953*, as enacted by section 24 of *The Municipality of Metropolitan Toronto Amendment Act, 1955*, is repealed and the following substituted therefor:

Emergency  
measures  
civil  
defence

- (7) By-laws may be passed by the Metropolitan Council,
- (a) for the establishment and maintenance of emergency measures civil defence organizations; and
  - (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality.



**14.** *The Municipality of Metropolitan Toronto Act, 1953* is <sup>1953, c. 73,  
amended</sup> amended by adding thereto the following sections:

214*h.* The Metropolitan Council may make a grant to <sup>Grant to  
University  
of Toronto</sup> the national fund for the University of Toronto in the amount of \$2,400,000 to be paid in ten annual instalments commencing in the year 1960.

214*i.* The Metropolitan Council may make a grant to the <sup>Grant to  
New  
Brunswick  
Fishermen's  
Disaster  
Fund</sup> New Brunswick Fishermen's Disaster Fund in the amount of \$10,000.

214*j.* The Metropolitan Council may make a grant to- <sup>Grant to  
Pentecostal  
Benevolent  
Association</sup> wards the cost of constructing a home for senior citizens by the Pentecostal Benevolent Association of Ontario in the amount of \$70,000.

214*k.* The Metropolitan Council may make a grant to- <sup>Grant to  
Fred Victor  
Mission</sup> wards the cost of constructing a new Fred Victor Mission in the amount of \$70,000.

214*l.* The Metropolitan Council may make grants to the <sup>Grants to  
Salvation  
Army</sup> Salvation Army,

(a) in an amount not exceeding \$15,000 towards the cost of acquiring premises located at 314 George Street, Toronto; and

(b) in an amount not exceeding \$55,000 towards the cost of the reconstruction of the Rehabilitation Hostel located at 516 Richmond Street West, Toronto.

**15.**—(1) This Act, except sections 4, 5, 6, 7 and 10, comes <sup>Commence-  
ment</sup> into force on the day it receives Royal Assent.

(2) Sections 6 and 7 shall be deemed to have come into <sup>Idem</sup> force on the 1st day of January, 1957.

(3) Section 10 shall be deemed to have come into force on <sup>Idem</sup> the 1st day of January, 1959.

(4) Section 5 shall be deemed to have come into force on <sup>Idem</sup> the 1st day of January, 1960.

(5) Section 4 comes into force on the 1st day of July, 1960. <sup>Idem</sup>

**16.** This Act may be cited as *The Municipality of Metro-* <sup>Short title</sup>  
*politan Toronto Amendment Act, 1960.*



## CHAPTER 73

## An Act to amend The Negligence Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Negligence Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 252, s. 6,  
re-enacted

6. Wherever it appears that a person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant to the action upon such terms as are deemed just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties.

2. This Act may be cited as *The Negligence Amendment Act, 1960*.

Short title



## CHAPTER 74

## An Act to amend The Nursing Act, 1951

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *e* of section 1 of *The Nursing Act, 1951*, as enacted by section 1 of *The Nursing Amendment Act, 1957*, is repealed. 1951, c. 59,  
s. 1, cl. *e*  
(1957, c. 82,  
s. 1),  
repealed
- 2.** Clauses *h, i, j, k, l, m* and *n* of section 5 of *The Nursing Act, 1951*, as enacted by section 3 of *The Nursing Amendment Act, 1957*, are repealed. 1951, c. 59,  
s. 5,  
cls. *h-n*  
(1957,  
c. 82, s. 3),  
repealed
- 3.** Section 8*a* of *The Nursing Act, 1951*, as enacted by section 4 of *The Nursing Amendment Act, 1957*, is repealed. 1951, c. 59,  
s. 8*a*  
(1957, c. 82,  
s. 4),  
repealed
- 4.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 5.** This Act may be cited as *The Nursing Amendment Act, 1960*. Short title





## CHAPTER 75

**An Act to establish  
the Ontario Energy Board**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

**1.** The interpretation section of *The Energy Act, 1960* <sup>Interpre-  
tation  
1960, c. 30</sup> applies to this Act.

## PART I

## THE BOARD

**2.**—(1) There shall be a board known as the Ontario <sup>Board</sup> Energy Board which shall consist of not less than three and <sup>established</sup> not more than five commissioners as the Lieutenant Governor in Council may from time to time determine.

(2) The commissioners shall be appointed by the Lieutenant <sup>Appoint-  
ment</sup> Governor in Council and one of them shall be designated as chairman.

**3.** Vacancies in the membership of the Board caused by <sup>Vacancies</sup> death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

**4.** Two members of the Board form a quorum and are <sup>Quorum</sup> sufficient for the exercise of all the jurisdiction and powers of the Board notwithstanding that a vacancy in the membership of the Board exists or that a member is absent or unable to act.

**5.** Every member of the Board and its secretary has, for <sup>Power to  
administer  
oaths</sup> the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario.

Secretary

**6.**—(1) The Lieutenant Governor in Council may appoint a secretary of the Board and such assistant secretaries as are deemed necessary.

Commissioner as secretary

(2) The Lieutenant Governor in Council may designate a member of the Board as secretary.

Acting secretary

(3) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate any assistant secretary or any commissioner to act *pro tempore* in the place of the secretary.

Staff of Board

(4) The staff of the Board shall consist of such officers and employees as are deemed necessary.

Protection from being called as witnesses

**7.**—(1) Neither the members of the Board nor its secretary nor any of its staff shall be required to give testimony in any proceeding with regard to information obtained by him in the discharge of his official duties.

Protection from personal liability

(2) Neither the members of the Board nor any of its staff are personally liable for anything done by it or by him under the authority of this or any other Act.

Certified copies

**8.** Upon application of any person and upon payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, rule or other document made by the Board.

Assistance

**9.** The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money

**10.** The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature.

Seal

**11.**—(1) The Board shall adopt an official seal.

Signing of orders

(2) All orders made by the Board shall be signed by the secretary or an assistant secretary or the chairman and sealed with the seal of the Board and, when purporting to be so signed and sealed, shall be judicially noticed without further proof.

R.S.O. 1950, c. 337 not to apply

(3) *The Regulations Act* does not apply to the orders of the Board.

## GENERAL JURISDICTION AND POWERS

**12.**—(1) The Board has as to all matters within its jurisdiction authority to hear and determine all questions of law and of fact and in all matters under this or any other Act shall proceed by order. Power to determine law and fact

(2) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. Jurisdiction exclusive

**13.** The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect this or any other Act has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. Powers of Supreme Court exercisable by Board

**14.**—(1) Subject to subsection 4 of section 17, the Board shall not make any order under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs. Hearings

(2) Hearings before the Board shall be open to the public. Idem

(3) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. Place of hearing

(4) The Board may adjourn any hearing from time to time and may make interim orders pending the final disposition of the matter before it. Adjournments and interim orders

(5) The Board in making an order may impose such terms and conditions as it deems proper and an order may be general or particular in its application. Terms and conditions

(6) The Board shall prepare written reasons for its decisions which shall be kept by the secretary and made available to any person upon the payment of the prescribed fee. Written reasons

(7) No issue of fact, which has been judicially determined by the Board in any application under section 17, may be put in issue in any subsequent application before the Board unless it can be established that a factor material to such determination has materially changed or that there is a party to the

subsequent

subsequent application who has a substantial interest in such determination but who had no notice of the proceedings at which such issue of fact was judicially determined.

Enforce-  
ment of  
orders

**15.**—(1) A certified copy of any order made by the Board may be filed in the office of the Registrar of the Supreme Court and thereupon is enforceable as a judgment of the Supreme Court to the same effect.

Effect of  
filing

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 24.

Direction  
to sheriff

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person, as costs or otherwise, may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

Effect of  
direction

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment in the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court.

Obedience  
to orders  
of Board  
a good  
defence

**16.** An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order.



## POWERS OF THE BOARD

**17.**—(1) Subject to the regulations, the Board may make <sup>Rates</sup> orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas.

(2) Subject to the regulations, no transmitter, distributor <sup>Idem</sup> or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board which shall not be bound by the terms of any contract entered into prior to the day upon which this Act comes into force.

(3) The Board shall not make any order approving rates <sup>Idem</sup> of any gas transmitter, distributor or storage company greater than those which the transmitter, distributor or storage company desires to charge.

(4) The Board may, at the request of any gas transmitter, <sup>Idem</sup> distributor or storage company, without a hearing, make an order under subsection 1 decreasing the rates charged by such gas transmitter, distributor or storage company, effective for a period of not more than one year pending a hearing, provided that such hearing is finally disposed of within one year of the order decreasing rates.

**18.** Where the rates and other charges are those to be <sup>Ontario</sup> paid to a public-owned distributor and the Ontario Municipal <sup>Board</sup> Board has made an order with respect thereto, the Board <sup>rate order</sup> shall have regard to such order.

**19.**—(1) The Board may authorize,

- (a) a person to inject gas into, store gas in and remove <sup>Authority to store in storage area</sup> gas from a designated gas storage area; and
- (b) such person to enter into and upon the land in such area and use such land for the purposes mentioned in clause a.

(2) Subject to any agreement with respect thereto, the <sup>Compensation</sup> person authorized by an order under subsection 1,

- (a) shall make to the owner of any gas or oil rights, or of any right to store gas in the area, fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and
- (b) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order.

Arbitration (3) No action or other proceeding lies in respect of such compensation and failing agreement the amount thereof shall be determined by a board of arbitration in the manner provided in the regulations and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Payment  
out of  
Fund  
1960, c. 30

**20.** The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1960*.

Abandon-  
ment of  
work, etc.  
R.S.O. 1950,  
c. 320

**21.** Subject to the regulations and *The Public Utilities Act*, no corporation shall abandon any work or discontinue to supply gas to any work or appliance without the leave of the Board.

#### PROCEDURE AND APPEALS

Rules **22.** Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure.

Costs **23.**—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed.

Idem (4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board.

Power to  
review

**24.** The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind or vary any order made by it or any order that the Ontario Fuel Board had power to rescind or vary under *The Ontario Fuel Board Act, 1954* and amendments thereto.

1954, c. 63

Appeal to  
Lieutenant  
Governor  
in Council

**25.** An appeal lies to the Lieutenant Governor in Council upon the petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, and he may vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that he makes with respect thereto is binding upon the Board and all parties.

Stated case

**26.**—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the applica-

tion of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

(2) The Court of Appeal shall hear and determine the stated <sup>Idem</sup> case and remit it to the Board with the opinion of the Court thereon.

**27.**—(1) An appeal lies to the Court of Appeal from any <sup>Appeal to Court of Appeal</sup> order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

(2) The Board is entitled to be heard by counsel or other- <sup>Board may be heard</sup> wise upon the argument of any such appeal.

(3) The Court of Appeal shall certify its opinion to the <sup>Board to act on Court's opinion</sup> Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect.

(4) The Supreme Court may fix the costs and fees to be <sup>Costs, rules of practice</sup> taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

(5) The Board, or any member thereof, is not liable for <sup>Board not liable for costs</sup> costs in connection with any appeal or application for leave to appeal under this section.

(6) Every order made under section 17 takes effect at the <sup>Orders to take effect notwithstanding appeal</sup> time prescribed in the order and its operation is not suspended by an appeal.

#### REGULATIONS

**28.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges under section 17;

(c)

- (c) prescribing the circumstances under which works may be abandoned and the supply of gas to any work or appliance may be discontinued;
- (d) designating gas storage areas;
- (e) providing for compensation procedure for the owners of gas or oil rights or land who are referred to in section 19;
- (f) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (g) prescribing forms and providing for their use;
- (h) prescribing fees payable to the Board for certified copies of documents, reasons for decisions and in connection with proceedings before the Board;
- (i) exempting any person from the operation of or compliance with any provision of this Act;
- (j) requiring the Board to adjudicate on and examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## PART II

### ENERGY RETURNS OFFICER

Energy  
Returns  
Officer

**29.—**(1) The Lieutenant Governor in Council may appoint an officer known as the Energy Returns Officer who shall assist the Board.

Staff

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary.

Information  
privileged

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties.

No  
personal  
liability

(4) Neither the Energy Returns Officer nor any of his staff are personally liable for anything done by him under the authority of this Act or the regulations.



(5) The moneys required for the purposes of the Energy <sup>Moneys</sup> Returns Officer shall be paid out of the moneys that are appropriated therefor by the Legislature.

(6) The Energy Returns Officer and every deputy officer <sup>May take oaths</sup> has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario.

**30.** The Lieutenant Governor in Council may appoint <sup>Assistance</sup> from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity.

**31.** The Energy Returns Officer may for the purposes of <sup>Production of documents, etc.</sup> this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as is stipulated in such letter.

**32.** When authorized in writing by the chairman of the Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such documents or records, providing that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing. <sup>Power to enter, etc.</sup>



## Regulations

**33.** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) requiring and providing for the making of returns, statements or reports concerning energy by any person;
- (b) prescribing classes of gas transmitters, distributors and storage companies;
- (c) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;
- (d) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;
- (e) requiring gas transmitters, distributors and storage companies to furnish all prospectuses approved by the Ontario Securities Commission and returns, and information respecting capital, revenues, and expenses, and such other information as may be required for the purposes of this Act or the regulations;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Notify  
Board

**34.** The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings.

## Witnesses

**35.**—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 32 and any inspector may be called as a witness by the Board.

No  
privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner  
to be  
party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the maker of the return is a party to that proceeding or an associate of a party to that proceeding.

Information  
confidential

**36.**—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his

deputy

deputy officers and employees or any person authorized by the chairman of the Board in writing under section 32 is confidential.

(2) No person shall otherwise than in the ordinary course <sup>Idem</sup> of his duties communicate any such information or allow access to or inspection of any such material.

(3) Every person who contravenes any of the provisions <sup>Penalty</sup> of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

**37.** No document, record or photocopy thereof or any <sup>Not evidence in certain proceedings</sup> return made under this Part is admissible in evidence in any proceeding except proceedings before the Board, on appeals or other proceedings respecting an order of the Board or in summary proceedings commenced under section 38.

**38.**—(1) Every person who contravenes or fails to comply <sup>Penalty</sup> with any provision of this Part or the regulations made under this Part is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000 for each day over which the offence continues, or, in default, to imprisonment for a term of not more than two years less a day.

(2) No information may be laid under this section or under <sup>Permission of the Minister</sup> section 36 without the written permission of the Minister in the form prescribed in the regulations.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

**39.**—(1) The Board shall make a report annually to the <sup>Annual report</sup> Minister containing such information as the Minister requires.

(2) A copy of the report shall be filed with the Provincial <sup>Idem</sup> Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**40.**—(1) Every order made under *The Ontario Fuel Board Act, 1954, The Fuel Supply Act, The Natural Gas Conservation Act or The Well Drillers Act*, which is in force on the day this Act comes into force, becomes an order under this Act and shall be deemed to have been made under this Act. <sup>Existing regulations and orders adopted 1954, c. 63; R.S.O. 1950, cc. 152, 251, 423</sup>

Pending  
applications

(2) Every application pending before the Ontario Fuel Board on the day this Act comes into force becomes an application before the Board.

Reference  
to Ontario  
Fuel Board

(3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board.

Repeal:

**41.** The following are repealed:

1954, c. 63

1. *The Ontario Fuel Board Act, 1954.*

1955, c. 53

2. *The Ontario Fuel Board Amendment Act, 1955.*

1956, c. 57

3. *The Ontario Fuel Board Amendment Act, 1956.*

1957, c. 84

4. *The Ontario Fuel Board Amendment Act, 1957.*

1958, c. 71,  
except s. 6

5. *The Ontario Fuel Board Amendment Act, 1958*, except section 6 thereof.

Commence-  
ment

**42.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**43.** This Act may be cited as *The Ontario Energy Board Act, 1960.*

## CHAPTER 76

**An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby <sup>Loans up to \$150,000,000 authorized</sup> authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act*, 1954, c. 30 1954 for the purpose of such payment, shall not exceed in the aggregate \$150,000,000.

(2) The sum or sums of money authorized to be raised by <sup>Idem</sup> subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

**2.** Any such sum or sums may be raised in any manner <sup>Idem</sup> provided by *The Financial Administration Act*, 1954 and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

- Commence-  
ment
3. This Act comes into force on the day it receives Royal Assent.
- Short title
4. This Act may be cited as *The Ontario Loan Act, 1960*.



## CHAPTER 77

## An Act to amend The Ontario Municipal Board Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Ontario Municipal Board Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 262,  
amended

10a.—(1) Where a member of the Board resigns his office, retires or is appointed to another position in the service of the Crown, he shall, during such period of time as the Lieutenant Governor in Council designates, in respect of any application, proceeding, matter or thing heard before him or commenced by him as a member of the Board, have and exercise the jurisdiction and powers of a member of the Board including the power to complete any unfinished matter and give a decision therein as if he had not so resigned, retired or been appointed. Completion  
of matters  
by members  
who retire,  
resign, etc.

(2) An Order in Council under subsection 1 may be made before or after such resignation, retirement or appointment and may be retroactive in effect. Order in  
Council

**2.** Subsection 1 of section 56 of *The Ontario Municipal Board Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 262, s. 56,  
subs. 1,  
amended

(ii) when authorized by an agreement heretofore or hereafter entered into by two or more municipalities in which the municipalities agree to be bound by the decision of the Board, to hear and determine disputes in relation to such agreement. settlement  
of disputes  
between  
municipalities

**3.** Subsection 1b of section 67 of *The Ontario Municipal Board Act*, as enacted by section 4 of *The Ontario Municipal Board Amendment Act, 1958*, is amended by striking out “that the by-law shall not take effect until approved by the Board” in the seventh and eighth lines and inserting in lieu thereof

thereof

thereof "to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained", so that the subsection shall read as follows:

By-law  
passed not  
to be in  
contraven-  
tion of  
subs. 1

- (1*b*) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1960*.

## CHAPTER 78

**An Act to amend  
The Ontario Parks Integration Board Act, 1956**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Sections 7, 8, 9, 10 and 11 of *The Ontario Parks Integration Board Act, 1956* are repealed and the following substituted therefor: 1956, c. 61, s. 7, re-enacted; ss. 8-11, repealed

**7.** It is the function of the Board and it has power to Function establish integrated policies of management and development of provincial parks, parks under *The Conservation Authorities Act*, parks under *The Parks Assistance Act, 1960*, parks under *The Niagara Parks Act* and parks under *The Ontario-St. Lawrence Development Commission Act, 1955*. R.S.O. 1950, c. 62; 1960, c. 80; R.S.O. 1950, c. 253; 1955, c. 59

**2.** This Act comes into force on the day it receives Royal Assent. Commence-ment

**3.** This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1960*. Short title



## CHAPTER 79

# **An Act to amend The Ontario Water Resources Commission Act, 1957**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Ontario Water Resources Commission Act, 1957* is <sup>1957, c. 88,</sup> amended by adding thereto the following section: <sup>amended</sup>

45a. For the purposes of section 39 of *The Assessment Act*, the Commission, with respect to any project in a city, town, village or township, shall be deemed a commission under clause *a* of subsection 1 of that section and the project shall be deemed a public utility under clause *b* of subsection 1 of that section. <sup>Annual payments to municipalities in lieu of taxes R.S.O. 1950, c. 24</sup>

**2.** Section 47 of *The Ontario Water Resources Commission Act, 1957* is repealed and the following substituted therefor: <sup>1957, c. 88, s. 47, re-enacted</sup>

47. An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. <sup>Multiple informations</sup>

47a. In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Commission as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, of any water is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. <sup>Certificate of analyst as evidence</sup>



Sewage  
disposal

47*b*. If an industrial or commercial enterprise makes arrangements for sewage disposal that are deemed unsatisfactory by the Commission, or makes no arrangements for sewage disposal, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise to install, construct or arrange such sewage treatment facilities or additional sewage treatment facilities as the Commission deems necessary, and to maintain, keep in repair and operate such facilities in such manner and to such extent as may be directed from time to time by the Commission.

Commence-  
ment

**3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1961.

Short title

**4.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1960*.

## CHAPTER 80

**An Act to provide for  
Financial Assistance to Municipalities  
in the Establishment of Parks**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Ontario Parks Integration Board;
- (b) "Minister" means the Minister of Planning and Development;
- (c) "regulations" means the regulations made under this Act;
- (d) "approved park" means a park approved for assistance under this Act.

**2.** The parks established under this Act shall be maintained and operated for the use and enjoyment of the public in such a manner as will be complementary to the use and enjoyment of provincial parks.

Parks com-  
plementary  
to provincial  
parks

**3.—(1)** The Minister, upon the recommendation of the Board and with the approval of the Lieutenant Governor in Council, may make grants out of moneys appropriated therefor by the Legislature to any municipality to assist in,

Grants  
authorized

- (a) the acquisition of land for an approved park;
- (b) the development of an approved park; and
- (c) the conversion of a provincial or public park into an approved park.

**(2)** The assistance granted under subsection 1 in respect of any one park shall not exceed \$50,000 or 50 per cent of the

total

total cost of acquiring the land and developing the park or the cost of converting a provincial or public park into an approved park, whichever is the lesser.

Establish-  
ment of  
parks by  
municipality

**4.—**(1) The council of any municipality may by by-law provide for the establishment of an approved park in the municipality or in territory without municipal organization in accordance with this Act, and may acquire by purchase or otherwise real and personal property for that purpose.

Joint  
undertaking

(2) The council of any municipality may enter into agreement with the council of any other municipality,

(a) for establishing an approved park in any municipality that is a party to an agreement or in territory without municipal organization;

(b) for the acquisition of real and personal property for that purpose; and

(c) for the development and operation of such park upon such terms as to contribution to the cost of the establishment, maintenance and operation thereof as may be agreed upon,

and the municipalities may acquire by purchase or otherwise real and personal property for such purposes.

Application  
for  
assistance

**5.** Applicants for assistance under this Act shall file with the Board plans and specifications of the proposed park in accordance with the requirements of the regulations and such other information as the Board may require.

Duties of  
Board

**6.—**(1) The Board in dealing with an application for assistance under this Act shall determine the need for the proposed park, having regard to its location in relation to other parks in Ontario and the camping, picnicking and other facilities to be provided therein for the accommodation and enjoyment of the public.

Approval  
of plans

(2) Where an application for assistance is granted under this Act, the Board shall approve the plans and specifications for the proposed approved park as submitted by the applicant or with such alterations as it deems desirable.

Operation  
of park

**7.** The approved park shall not be maintained or operated otherwise than in accordance with the approved plans and specifications without the approval of the Board.

8. Where aid has been granted under this Act to assist <sup>Disposal of park</sup> in the establishment and development of a park, the park or any part thereof shall not be sold or disposed of without the approval of the Board.

9. Unless otherwise provided in an agreement, where a municipality has a board of park management under <sup>Management of park</sup> *The Public Parks Act* or *The Municipal Act*, it may appoint such <sup>R.S.O. 1950, cc. 314, 243</sup> board to manage and control any approved park established in the municipality.

10.—(1) Subject to this Act and the regulations and subject <sup>By-laws</sup> to the approval of the Board, the council of any municipality that alone or in agreement with another municipality has established an approved park may pass by-laws,

- (a) for the care, preservation, improvement, control and management of the park;
- (b) regulating and controlling the use of lands in the park;
- (c) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in the park;
- (d) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in the park;
- (e) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in the park;
- (f) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in the park;
- (g) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in the park;
- (h) prescribing fees to be payable for the use of any facilities provided in the park;
- (i) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in the park;
- (j) prescribing fees to be payable for entrance into the park of persons, vehicles, boats and aircraft;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application  
of  
R.S.O. 1950,  
c. 243,  
Pt. XXI

(2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to any by-law passed under this section.

Regulations

**11.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the terms and conditions upon which and the manner in which grants may be made under this Act;
- (b) respecting plans and specifications to be submitted with applications for assistance;
- (c) prescribing the uses to which an approved park may or may not be put, and the facilities and accommodations that may be provided therein;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Short title

**12.** This Act may be cited as *The Parks Assistance Act, 1960*.



## CHAPTER 81

## An Act to amend The Parole Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b*, as amended by section 1 of *The Parole Amendment Act, 1952*, and clause *e* of section 1 of *The Parole Act, 1950*, are repealed. R.S.O. 1950, c. 268, s. 1, cls. *b*, *e*, repealed

**2.** Section 2 of *The Parole Act*, as amended by section 2 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 2, re-enacted

2. The Board of Parole shall be composed of not more than five persons appointed by the Lieutenant Governor in Council, of whom three shall be full-time members. Composition of Board

**3.** Section 4 of *The Parole Act*, as amended by section 3 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 4, re-enacted

4. The Lieutenant Governor in Council may appoint a secretary of the Board and such other officers and employees as he deems necessary. Appointment of secretary, officers and employees

**4.** Section 5 of *The Parole Act*, as amended by section 4 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 268, s. 5, re-enacted

5.—(1) The full-time members of the Board, the secretary and the officers and employees of the Board shall be paid such salary and expenses as may be determined by the Lieutenant Governor in Council. Salaries of full-time members, secretary, officers and employees

(2) The members of the Board who are not full-time members shall serve without salary but may be paid such expenses and allowances for attendance at Expenses and allowances for part-time members

meetings

meetings of the Board or for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council.

R.S.O. 1950,  
c. 268, s. 7,  
amended

**5.** Section 7 of *The Parole Act*, as amended by section 5 of *The Parole Amendment Act, 1952*, is amended by striking out "by a parole and rehabilitation officer or" in the fourth line and in the amendment of 1952, so that the section shall read as follows:

Re-taking  
prisoners  
on breach  
of  
conditions  
of parole

7. In the case of prisoners referred to in subclause i of clause c of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled.

R.S.O. 1950,  
c. 268, s. 12,  
subs. 1, cl. a,  
re-enacted

**6.** Clause a of subsection 1 of section 12 of *The Parole Act*, as amended by section 6 of *The Parole Amendment Act, 1952*, is repealed and the following substituted therefor:

(a) defining the duties and powers of the Board.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Parole Amendment Act, 1960*.

## CHAPTER 82

## An Act to amend The Pharmacy Act, 1953

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *d* of section 1 of *The Pharmacy Act, 1953*, as re-<sup>1953, c. 79,</sup> enacted by section 1 of *The Pharmacy Amendment Act, 1957*,<sup>s. 1,</sup> is amended by adding "or" at the end of subclause iii and by<sup>cl. d (1957,</sup> adding thereto the following subclause:<sup>c. 91, s. 1).</sup>

(iv) any substance that is named by regulation made by the Lieutenant Governor in Council.

**2.** Section 22 of *The Pharmacy Act, 1953* is repealed and<sup>1953, c. 79,</sup> the following substituted therefor:<sup>s. 22,</sup>

22. A copy of any writing, paper or document furnished<sup>Registrar's</sup> to the registrar pursuant to this Act or any statement<sup>certificate</sup> containing information from the records required to<sup>as evidence</sup> be kept by the registrar under this Act purporting to be certified by the registrar under the seal of the College is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar and without proof of the seal.

22a. In any prosecution under this Act, a certificate as<sup>Analyst's</sup> to the analysis of any drug or poison purporting to<sup>certificate</sup> be signed by a Dominion or Provincial analyst is<sup>as evidence</sup> admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the analyst.

**3.** *The Pharmacy Act, 1953* is amended by adding thereto<sup>1953, c. 79,</sup> the following section:<sup>amended</sup>

26a. The Council, with the approval of the Lieutenant<sup>Books,</sup> Governor in Council, may make regulations prescrib-<sup>records,</sup> ing the books and records to be kept, returns to be<sup>returns, etc.,</sup> of pharmacies

made and information to be furnished with respect to pharmacies and the examination and audit that shall be made of such books and records.

1953, c. 79,  
s. 27, subs. 1,  
amended

4.—(1) Subsection 1 of section 27 of *The Pharmacy Act, 1953* is amended by inserting after “cancelled” in the third line “or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper”, so that the subsection, exclusive of the clauses and the last three lines, shall read as follows:

Cancellation  
and sus-  
pension of  
registration

(1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled or that the registration of any person be suspended for such time as the Council or the discipline committee deems proper,

. . . . .

1953, c. 79,  
s. 27, subs. 3,  
amended

(2) Subsection 3 of the said section 27 is amended by inserting after “cancels” in the first line “or suspends”, so that the subsection shall read as follows:

Hearing

(3) Before the Council or discipline committee cancels or suspends any registration under this section, it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires.

1953, c. 79,  
s. 27, subs. 4,  
amended

(3) Subsection 4 of the said section 27 is amended by inserting after “cancelled” in the second line “or suspended”, so that the subsection shall read as follows:

Effect of  
cancellation  
or sus-  
pension of  
registration

(4) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not operate a pharmacy either on his own behalf or as an employee and shall not act as a director or vote or interfere as a shareholder in a corporation operating a pharmacy.

1953, c. 79,  
s. 27, subs. 5,  
amended

(4) Subsection 5 of the said section 27 is amended by inserting after “cancelled” in the second line “or suspended”, so that the subsection shall read as follows:

Review

(5) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section may within three months apply to a judge of the Supreme Court and the judge may review the decision of the Council and may make such order and give such directions as he may deem proper and his decision shall be final.

(5) Subsection 6 of the said section 27 is amended by <sup>1953, c. 79,</sup> inserting after "cancelled" in the second line "or suspended", <sup>s. 27, subs. 6,</sup> amended so that the subsection shall read as follows:

- (6) The Council may upon application reinstate a person <sup>Reinstatement</sup> whose registration has been cancelled or suspended under this section.

**5.**—(1) Subsection 1 of section 57 of *The Pharmacy Act, 1953* is amended by striking out "\$250" in the ninth line and <sup>1953, c. 79,</sup> inserting in lieu thereof "\$500" and by striking out "\$500" <sup>s. 57, subs. 1,</sup> in the eleventh line and inserting in lieu thereof "\$1,000".

(2) Subsection 2 of the said section 57 is amended by <sup>1953, c. 79,</sup> striking out "\$150" in the ninth line and inserting in lieu <sup>s. 57, subs. 2,</sup> thereof "\$500" and by striking out "\$200" in the tenth line and inserting in lieu thereof "\$1,000".

**6.** Section 58 of *The Pharmacy Act, 1953* is amended by <sup>1953, c. 79,</sup> striking out "\$100" in the fifth line and inserting in lieu <sup>s. 58,</sup> thereof "\$250". <sup>amended</sup>

**7.** This Act may be cited as *The Pharmacy Amendment Act, 1960*. <sup>Short title</sup>





## CHAPTER 83

## An Act to amend The Planning Act, 1955

*Assented to April 12th, 1960**Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Planning Act, 1955* is <sup>1955, c. 61,</sup> amended by striking out "Planning and Development" in <sup>s. 1, cl. *e*,</sup> the first and second lines and inserting in lieu thereof "Municipal Affairs", so that the clause shall read as follows:

(*e*) "Minister" means Minister of Municipal Affairs.

2. Clause *a* of subsection 8 of section 20 of *The Planning Act, 1955* is <sup>1955, c. 61,</sup> amended by inserting after "construct" in the <sup>s. 20, subs. 8,</sup> first line "repair, rehabilitate or improve", so that the clause <sup>cl. *a*,</sup> shall read as follows:

(*a*) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto.

3. *The Planning Act, 1955* is amended by adding thereto <sup>1955, c. 61,</sup> the following sections: <sup>amended</sup>

20a. A municipality, with the approval of the Minister, <sup>Agreements</sup> may enter into an agreement with any governmental <sup>re special</sup> authority, or any agency thereof created by statute, <sup>studies</sup> for the carrying out of studies relating to the physical condition of the municipality or any part thereof.

20b. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter <sup>Agreements</sup> into agreement providing for payment to the municipality on such terms and conditions and in such <sup>for grants</sup> amounts as may be approved by the Lieutenant Governor in Council to assist in the redevelopment <sup>in aid of</sup> of a redevelopment area as defined in section 20. <sup>redevelop-</sup> <sup>ment</sup>

1955, c. 61,  
s. 27b  
(1959, c. 71,  
s. 5), subs. 1,  
amended

4. Subsection 1 of section 27b of *The Planning Act, 1955*, as enacted by section 5 of *The Planning Amendment Act, 1959*, is amended by adding thereto the following paragraph:

Supervision  
of erection  
of public  
buildings

23. For requiring that public buildings to be erected, constructed or altered in the municipality be designed by and the specifications therefor be prescribed by and the erection, construction and alteration thereof be controlled and supervised by a member or licensee of the Ontario Association of Architects under *The Architects Act* or a civil engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*.

R.S.O. 1950,  
cc. 21, 292

Interpre-  
tation

(a) In this paragraph, "public buildings" means arenas, armouries, amusement park structures, bleachers, bowling alleys, churches, club buildings, community halls, court rooms, curling rinks, dance halls, exhibition buildings, grandstands, gymnasiums, libraries, lodge rooms, museums, passenger stations and depots, recreation piers, reviewing stands, schools, skating rinks, stadia, swimming pool buildings and structures, theatres and other buildings and structures that are to be used or offered for use as places of public assembly.

By-laws  
amending or  
repealing  
zoning  
by-laws  
not invalid  
due to lack  
of approval  
of Ontario  
Municipal  
Board before  
passing  
R.S.O. 1950,  
c. 243

5.—(1) A by-law repealing or amending a by-law passed under section 390 of *The Municipal Act* or a predecessor of that section is not invalid and shall be deemed never to have been invalid solely because of the lack of approval by the Ontario Municipal Board prior to the passing thereof by the municipal council.

Application

(2) Subsection 1 does not apply to a by-law that never at any time received approval by the Ontario Municipal Board and does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation or proceedings commenced on or before the 23rd day of March, 1960.

Commence-  
ment

6.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of April, 1960.

Short title

7. This Act may be cited as *The Planning Amendment Act, 1960*.

## CHAPTER 84

## An Act to amend The Police Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 279, s. 7,  
subs. 1,  
re-enacted

(1) Notwithstanding any special Act, every city shall have a board and,

Constitution  
of boards

(a) any county or town;

(b) any village or township having a population in excess of 5,000 according to the last revised assessment roll; and

(c) with the consent of the Attorney General, any village or township having a population that does not exceed 5,000 according to the last revised assessment roll,

may, by by-law, constitute a board.

2. Subsection 1 of section 28 of *The Police Act* is amended by striking out "less than five" in the first and second lines and inserting in lieu thereof "fewer than ten", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 279, s. 28,  
subs. 1,  
amended

(1) Except in the case of a police force having fewer than ten members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members

in

in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

R.S.O. 1950,  
c. 279, s. 29  
(1956, c. 65,  
s. 3),  
subs. 1,  
amended

**3.** Subsection 1 of section 29 of *The Police Act*, as re-enacted by section 3 of *The Police Amendment Act, 1956*, is amended by striking out "five" in the second line and inserting in lieu thereof "ten", so that the subsection shall read as follows:

Arbitrator

(1) In the case of a police force having fewer than ten members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

R.S.O. 1950,  
c. 279, s. 59,  
re-enacted

**4.** Section 59 of *The Police Act* is repealed and the following substituted therefor:

Ontario  
Police  
College

59. There shall be a police college to be known as the Ontario Police College for the training of members of police forces over which the Attorney General shall preside and have charge.

Commence-  
ment

**5.** This Act, except section 4, comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Police Amendment Act, 1960*.



## CHAPTER 85

**An Act to amend  
The Power Commission Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 281, s. 17,  
re-enacted

17. The Commission shall set apart annually as a sinking fund, Sinking  
fund

- (a) such sums as are received by the Commission from municipal corporations under clause c of section 74, and section 75, and, subject to subsection 2 of section 84, such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power under section 68 to persons within the area of a municipal corporation that has contracted with the Commission for a supply of power at cost;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in rural power districts;
- (c) such sums as are appropriated by the Commission for sinking fund purposes for the repayment of any indebtedness incurred or assumed by the Commission in respect of the cost of administrative service buildings and equipment, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost thereof.

R.S.O. 1950,  
c. 281, s. 20,  
subs. 7,  
amended

**2.** Subsection 7 of section 20 of *The Power Commission Act* is amended by adding at the end thereof "and such fund may be invested in investments authorized by section 207 of *The Corporations Act, 1953* for joint stock insurance companies", so that the subsection shall read as follows:

Adminis-  
tration and  
investment  
of fund

(7) The fund shall be maintained and administered by the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly, and such fund may be invested in investments authorized by section 207 of *The Corporations Act, 1953* for joint stock insurance companies.

1953, c. 19

R.S.O. 1950,  
c. 281, s. 23,  
repealed

**3.** Section 23 of *The Power Commission Act* is repealed.

R.S.O. 1950,  
c. 281, s. 32,  
subs. 5,  
re-enacted

**4.—(1)** Subsection 5 of section 32 of *The Power Commission Act* is repealed and the following substituted therefor:

Appointment  
and  
powers of  
board of  
valuation

(5) The Lieutenant Governor in Council may from time to time appoint a board of valuation consisting of as many members as he from time to time determines, one of whom shall be named chairman, who shall receive their reasonable and necessary travelling and other expenses and such fees as may be fixed by the Lieutenant Governor in Council, and the same shall be paid by the Commission as part of its general administration expense, and, when no agreement is arrived at as to the amount of compensation to be paid to the owner, the board of valuation shall, as soon as conveniently may be after a request to them either from the owner or the Commission, secure from the Commission a description of the land, right or easement that the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as they may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, or property damage, and notify by registered letter the owner and the Commission of such finding, and three members of the board of valuation shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the board.

R.S.O. 1950,  
c. 281, s. 32,  
subs. 6,  
amended

(2) Subsection 6 of the said section 32 is amended by striking out "30" in the third line and inserting in lieu thereof "sixty" and by striking out "valuator" in the fourth line and inserting in lieu thereof "board of valuation".

(3) Subsection 7 of the said section 32 is amended by R.S.O. 1950, striking out "valuator" in the first line and inserting in lieu subs. 7, thereof "board of valuation".  
amended

(4) Subsection 9 of the said section 32 is amended by R.S.O. 1950, striking out "valuator" in the third and fifth lines respectively c. 281, s. 32, and inserting in lieu thereof "board of valuation".  
subs. 9, amended

(5) Subsection 10 of the said section 32 is amended by R.S.O. 1950, striking out "valuator" in the fourth line and inserting in subs. 10, lieu thereof "board of valuation".  
amended

(6) Subsection 11 of the said section 32, as amended by R.S.O. 1950, subsection 2 of section 3 of *The Power Commission Amendment Act, 1956*, is further amended by striking out "valuator" in c. 281, s. 32, the sixth line and inserting in lieu thereof "board of valuation".  
subs. 11, amended

5. Subsection 2 of section 35 of *The Power Commission Act* R.S.O. 1950, is amended by striking out "valuator" in the fourth, fifth c. 281, s. 35, and tenth lines respectively and inserting in lieu thereof subs. 2, "board of valuation".  
amended

6.—(1) Section 52 of *The Power Commission Act* is amended R.S.O. 1950, by inserting after "Ontario" in the eighth line "or the Deputy Provincial Treasurer", so that subsection 1 of the said section amended shall read as follows:

- (1) The Lieutenant Governor in Council is authorized, on such terms as may be approved by Order in Council, to agree to guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council may approve, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Provincial Treasurer, or such other officer or officers as may be designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the bonds, debentures and securities guaranteed, according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees, and to advance the amount necessary for that purpose, out of the public funds of the Province, and, in the hands of any holder of any such bonds, debentures or securities, any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with.

R.S.O. 1950,  
c. 281, s. 52,  
amended

(2) The said section 52 is further amended by adding thereto the following subsection:

Signatures  
may be  
mechanically  
reproduced

- (2) The signature of the Treasurer of Ontario or of the Deputy Provincial Treasurer or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes the signature of such person and shall be binding upon the Province of Ontario notwithstanding that the person whose signature is so reproduced may not have held office at the date of the bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the bonds, debentures or other securities.

R.S.O. 1950,  
c. 281,  
amended

7. *The Power Commission Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 243,  
s. 301,  
not to  
apply

- 58a. Section 301 of *The Municipal Act* does not apply to any contract between the Commission and a municipal corporation for the supply of power.

R.S.O. 1950,  
c. 281, s. 68,  
subs. 3,  
re-enacted

8. Subsection 3 of section 68 of *The Power Commission Act* is repealed and the following substituted therefor:

Application  
of net  
surplus

- (3) Any net surplus made by the Commission in supplying power under subsection 1 to persons within the areas of municipal corporations and police villages excluded from the Southern Ontario Rural Power District by subsection 2 of section 84 that have contracted with the Commission for the supply of power at cost shall be applied in reduction of the cost of power to such municipal corporations and police villages; and subject to subsection 3 of section 59a any net surplus made by the Commission in supplying power under subsection 1 to other persons shall be applied in reduction of the cost of power in rural power districts.

R.S.O. 1950,  
c. 281, s. 81  
(1958,  
c. 80, s. 2),  
amended

9. Section 81 of *The Power Commission Act*, as re-enacted by section 2 of *The Power Commission Amendment Act, 1958*, is amended by adding thereto the following subsection:

Power of  
township  
to extend  
application  
of street  
lighting  
agreement

- (5a) Where under this section a township has entered into a contract with the Commission for the lighting of streets in one or more areas, the township may

from



from time to time, without petition and without the assent of the electors, pass a similar by-law to provide that the contract shall also apply to any other street lighting area or areas in the township.

**10.** Subsection 2 of section 84 of *The Power Commission Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 281, s. 84,  
subs. 2,  
re-enacted

(2) There shall be two rural power districts, namely,

Defining  
power  
districts

(a) the Northern Ontario Rural Power District comprising the Northeastern and North-western Regions as defined from time to time by the Commission; and

(b) the Southern Ontario Rural Power District comprising the remaining territory of Ontario,

and there shall be excluded from each of the rural power districts the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost under section 58, 59, 63 or 66, or that hereafter so contract, except that all persons who are supplied with power under section 68 and who are within the area of any such municipal corporation excluded from the Northern Ontario Rural Power District shall be deemed to be within the Northern Ontario Rural Power District.

**11.** This Act shall be deemed to have come into force on the 1st day of January, 1960.

Commence-  
ment

**12.** This Act may be cited as *The Power Commission Amendment Act, 1960*.

Short title





## CHAPTER 86

## An Act respecting Presqu'ile Provincial Park

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The part of the plan of survey of the Townplot of Newcastle by Alex. Aitken, Deputy Surveyor, dated November, 1797, a certified copy of which was registered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland on the 9th day of April, 1953, as Plan No. 135, shown outlined in red on a plan and field notes of survey by J. K. Benner, Ontario Land Surveyor, dated the 20th day of February, 1959, and of record in the office of the Surveyor General at Toronto, is expunged, and the land contained within the limits so described is vested in Her Majesty the Queen in right of Ontario in fee simple, free of any right, title, interest or trust that may have been created by such plan of survey. <sup>Part of Aitken plan expunged</sup>

**2.** A certified copy of the plan and field notes of survey by J. K. Benner mentioned in section 1 shall be registered by the Surveyor General in the Registry Office for the Registry Division for the East Riding of the County of Northumberland, and the land outlined in red thereon shall be designated as Block J according to such plan. <sup>Benner plan to be registered</sup>

**3.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**4.** This Act may be cited as *The Presqu'ile Provincial Park Act, 1960*. <sup>Short title</sup>



## CHAPTER 87

**An Act to amend  
The Private Hospitals Act, 1957**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Private Hospitals Act, 1957*, as amended <sup>1957, c. 94, s. 5, amended</sup> by section 1 of *The Private Hospitals Amendment Act, 1959*, is further amended by adding thereto the following subsection:

- (3) No licence shall be granted to a corporation unless <sup>Directors and officers</sup> the Commission is satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of a private hospital.

**2.** Section 7 of *The Private Hospitals Act, 1957* is amended <sup>1957, c. 94, s. 7, amended</sup> by adding thereto the following subsection:

- (3a) Where the licensee is a corporation, the Commission <sup>Refusal to renew licence</sup> may refuse to renew its licence if the Commission is not satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of the private hospital.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**4.** This Act may be cited as *The Private Hospitals Amend-ment Act, 1960*. <sup>Short title</sup>





## CHAPTER 88

**An Act to amend  
The Provincial Parks Act, 1958**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Provincial Parks Act, 1958* is amended by adding <sup>1958, c. 83,  
amended</sup> thereto the following section:

4a.—(1) The Minister and any municipality, with the approval of the Ontario Parks Integration Board, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature.

(2) A road constructed, reconstructed or maintained <sup>Idem</sup> under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality.

(3) The Minister, with the approval of the Ontario Parks Integration Board, may arrange with the road commissioners elected under *The Statute Labour Act* <sup>Idem, in  
unorganized  
territory  
R.S.O. 1950,  
c. 372</sup> or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Provincial Parks Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 89

## An Act to amend The Psychiatric Hospitals Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Psychiatric Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 301, s. 18,  
re-enacted

18. If at any time after the admission of a person as a resident patient in a psychiatric hospital its superintendent finds that such person has real or personal property that requires to be administered and that such person cannot administer because of his confinement in the hospital, he may deliver to the Public Trustee a notice of admission and a financial statement of such person's affairs in the form provided by the regulations under *The Mental Hospitals Act* for use on the admission of certificated patients to an institution under that Act, together with, Public  
Trustee as  
committee  
  
R.S.O. 1950,  
c. 229

- (a) a certificate of such superintendent that based upon the examination and written reports of two medical practitioners, one of whom may be the superintendent, he is of opinion that such person is mentally incompetent or is, through mental infirmity arising from disease, age or other cause, or by reason of habitual drunkenness, or the use of drugs, incapable of managing his affairs; or
- (b) a writing under seal signed by such person appointing the Public Trustee as committee of such person's estate accompanied by a certificate of such superintendent that the person who has executed such writing under seal is aware of its contents and that in the

opinion

opinion of the superintendent he was at the time of such execution capable of understanding its nature and effect,

and the Public Trustee, upon receipt of such documents, shall be the committee of the estate of such person in the same manner and to the same extent as in the case of a person admitted as a certificated patient to an institution under *The Mental Hospitals Act*.

R.S.O. 1950,  
c. 229

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1960*.

## CHAPTER 90

**An Act to provide for the  
Registration of Psychologists**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Ontario Board of Examiners in Psychology appointed under this Act;
- (b) "certificate of registration" means a certificate of registration as a registered psychologist;
- (c) "registered psychologist" means a person who is registered under this Act.

**2.**—(1) There shall be a board known as the Ontario Board of Examiners in Psychology which shall be composed of five registered psychologists appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may fill any vacancies in the membership of the Board.

(2) At least two of the members of the Board shall be and at least two members shall not be principally engaged as members of the teaching staff of a university.

(3) The Lieutenant Governor in Council may appoint a provisional board of five persons to whom the qualification provisions of this section do not apply and who shall hold office for a term of one year from the day this Act comes into force and until their successors are appointed.

**3.** The members of the Board from time to time are a corporation.

**4.** A majority of the members of the Board is a quorum.



## Regulations

**5.** Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) fixing the term of office and remuneration of the members of the Board and providing for the payment of necessary expenses of the Board in the conduct of its business;
- (b) prescribing the powers of the Board and the procedure of the Board at its meetings;
- (c) providing for the issuance and renewal of certificates of registration and fixing the fees payable therefor;
- (d) providing for the holding of examinations and fixing the fees payable therefor;
- (e) governing the suspension or cancellation of certificates of registration, the causes and procedure therefor;
- (f) prescribing the duties and remuneration of examiners and other persons employed by the Board;
- (g) generally for carrying out the intent and purpose of this Act.

Qualification  
for  
registration

**6.** The Board shall grant a certificate of registration to any person who furnishes evidence satisfactory to the Board that he,

- (a) has received a doctoral degree based upon a programme of studies whose content was primarily psychological from an educational institution approved by the Board;
- (b) has had at least one year of experience acceptable to the Board; and
- (c) has passed the examinations required by the Board.

Idem, for  
first  
6 years

**7.—(1)** The Board shall grant a certificate of registration to any person,

- (a) who has satisfied the requirements of clause *a* of section 6 and who has had at least two years of experience acceptable to the Board; or
- (b) who has received a master's degree based upon a programme of studies whose content was primarily

psychological

psychological from an educational institution approved by the Board and who has had at least four years of experience acceptable to the Board.

(2) This section is repealed upon the expiry of six years <sup>Repeal</sup> from the day this Act comes into force.

**8.** The Board after a hearing may refuse to grant a certificate of registration to any person who is found by the Board <sup>Power to refuse registration</sup> to be liable to have his certificate suspended or cancelled for any of the causes mentioned in the regulations.

**9.—(1)** If the Board refuses or neglects to register a person, <sup>Appeal</sup> refuses or neglects to renew the registration of a person or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

(2) Every such order is final and conclusive and shall be <sup>Idem</sup> acted upon forthwith by the Board.

**10.—(1)** The Board shall keep a register in which shall be <sup>Register to be kept</sup> entered the name of every person who has been granted a certificate of registration.

(2) The register shall be open to inspection by any person <sup>Inspection of register</sup> upon reasonable notice to the Board.

**11.—(1)** No person shall represent himself to be a psychologist unless he holds a certificate of registration. <sup>Prohibition</sup>

(2) A person represents himself to be a psychologist when <sup>Idem</sup> he holds himself out to the public by any title, designation or description incorporating the words "psychological", "psychologist" or "psychology" and under such title, designation or description offers to render or renders services of any kind to one or more persons for a fee or other remuneration.

(3) This section does not apply to a duly qualified medical <sup>Exceptions</sup> practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university.

Treatment  
of mental  
disorders

**12.** No person who holds a certificate of registration shall treat any person for any type of mental disorder for a fee or other remuneration except on the request of or in association with a duly qualified medical practitioner.

Practice of  
medicine  
not  
authorized

**13.** Nothing in this Act authorizes a person who holds a certificate of registration to engage in any manner in the practice of medicine, surgery or midwifery.

Offence

**14.**—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for the first offence and not more than \$500 for any subsequent offence.

Disposition  
of fines

(2) The fines recovered for offences under this Act shall be paid to the Board.

Short title

**15.** This Act may be cited as *The Psychologists Registration Act, 1960*.

## CHAPTER 91

**An Act to amend  
The Public Commercial Vehicles Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Public Commercial Vehicles Act*, as amended by section 1 of *The Public Commercial Vehicles Amendment Act, 1957* and section 2 of *The Public Commercial Vehicles Amendment Act, 1958*, is further amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 304, s. 2,  
amended

- (1a) Where the owner of a commercial motor vehicle leases such vehicle to another person to be operated on a highway for the transportation of goods, the lessor of such vehicle is deemed to be operating a public commercial vehicle where the lessor engages or pays directly or indirectly the driver of such vehicle.

Lessor of  
vehicles  
operated  
for trans-  
portation  
of goods

**2.** This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1960*.

Short title





## CHAPTER 92

## An Act to amend The Public Health Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Public Health Act*, as amended by R.S.O. 1950, c. 306, s. 5, amended section 1 of *The Public Health Amendment Act, 1951*, section 1 of *The Public Health Amendment Act, 1954*, section 1 of *The Public Health Amendment Act, 1955*, section 2 of *The Public Health Amendment Act, 1956*, section 2 of *The Public Health Amendment Act, 1957* and section 1 of *The Public Health Amendment Act, 1959*, is further amended by adding thereto the following clause:

(*ztt*) governing, regulating and restricting the storage, Disposal of refuse collection and disposal of refuse, and the location and operation of refuse disposal areas.

**2.—**(1) Subsections 1 and 2 of section 34 of *The Public Health Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 34, subs. 1, 2, re-enacted

(1) The council of a county may by by-law establish Health units, establishment and declare the county to be a health unit.

(2) The councils of two or more counties, or such Idem number and type of municipalities in the same county or in different counties or territorial districts as are designated by the regulations, may enter into an agreement in writing for the formation of a health unit.

(2) Subsection 4 of the said section 34 is repealed and the following substituted therefor: R.S.O. 1950, c. 306, s. 34, subs. 4, re-enacted

(4) A health unit may include any area in a territorial district that is designated by the Lieutenant Governor in Council.

R.S.O. 1950,  
c. 306, s. 34,  
subs. 7a  
(1957, c. 97,  
s. 4),  
re-enacted

(3) Subsection 7a of the said section 34, as enacted by section 4 of *The Public Health Amendment Act, 1957*, is repealed and the following substituted therefor:

Municipal  
action  
confirmed

(7a) Notwithstanding any other Act, where a health unit has been established or is established, the municipalities making up the unit shall be deemed to have had and to have all such powers as may be necessary to carry out the by-law or agreement providing therefor and, without limiting the generality of the foregoing, any such municipality may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

R.S.O. 1950,  
c. 306, s. 131  
(1953, c. 87,  
s. 6),  
amended

3.—(1) Section 131 of *The Public Health Act*, as re-enacted by section 6 of *The Public Health Amendment Act, 1953*, is amended by adding thereto the following subsection:

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing that the by-law in Schedule B, or any of the matters dealt with therein, shall apply *mutatis mutandis* to territory without municipal organization or any area forming a part thereof designated by the regulations;

(b) amending the by-law in Schedule B,

(i) so as to conform with the requirements of any area mentioned in clause a, or

(ii) to meet such special circumstances as may warrant such amendment, or

(iii) for making additional requirements in respect of any matter mentioned in Schedule B.

Transition

(2) Where regulations are made under subsection 3 of section 131 of *The Public Health Act*, as enacted by subsection 1, in respect of any matter mentioned in paragraphs 25 to 30 of Schedule B to that Act and are in force immediately before section 4 comes into force, such regulations shall remain in force until amended, revoked or remade under section 46 of *The Ontario Water Resources Commission Act, 1957*.

1957, c. 88

R.S.O. 1950,  
c. 306,  
Sched. B,  
pars. 25-30,  
repealed

4. Paragraphs 25, 26, 27, 28, 29 and 30 of Schedule B to *The Public Health Act* are repealed.

**5.**—(1) This Act, except sections 2 and 4, comes into force <sup>Commence-</sup> on the day it receives Royal Assent. <sub>ment</sub>

(2) Sections 2 and 4 come into force on a day to be named <sup>Idem</sup> by the Lieutenant Governor by his proclamation.

**6.** This Act may be cited as *The Public Health Amendment* <sup>Short title</sup> *Act, 1960*.



## CHAPTER 93

**An Act to amend  
The Public Hospitals Act, 1957**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Hospitals Act, 1957* is amended by adding <sup>1957, c. 98  
amended</sup> thereto the following section:

- 16.—(1) Where a patient in a hospital is an indigent <sup>Custodial  
care</sup> person or a dependant of an indigent person and is declared by the attending physician not to require continued medical and skilled nursing care in a hospital but only requires custodial care, the municipality in which such person was resident at the time of admission is liable to the hospital for payment of the per diem rate established for that hospital by the Commission from the twenty-first day after the day on which notice that the patient is declared to require only custodial care has been sent by the superintendent of the hospital by registered mail to the clerk of the municipality until such patient leaves the hospital.
- (2) A municipality that is liable to a hospital for the <sup>Payment  
of per  
diem rate</sup> payment of the per diem rate under subsection 1 shall make such payment to the hospital at least quarterly.
- (3) Where the person referred to in subsection 1 was a <sup>Idem</sup> resident of unorganized territory, the Province shall pay the per diem rate in accordance with subsection 1.
- (4) For the purposes of this section, "indigent person" <sup>Interpre-  
tation</sup> means a person who is receiving assistance from a municipality or is declared eligible by the Department of Public Welfare to receive such assistance, or who has no place of abode to which he may go from the hospital.



1957, c. 98,  
s. 18, subs. 1,  
cl. a,  
amended

**2.**—(1) Clause *a* of subsection 1 of section 18 of *The Public Hospitals Act, 1957* is amended by striking out “\$6” in the second line and inserting in lieu thereof “\$9”.

1957, c. 98,  
s. 18, subs. 1,  
cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 18 is amended by striking out “\$5.25” in the second line and inserting in lieu thereof “\$7.85”.

1957, c. 98,  
s. 18, subs. 1,  
cl. c,  
amended

(3) Clause *c* of subsection 1 of the said section 18 is amended by striking out “\$4.50” in the third line and inserting in lieu thereof “\$6.75”.

1957, c. 98,  
s. 18, subs. 1,  
cl. d,  
amended

(4) Clause *d* of subsection 1 of the said section 18 is amended by striking out “\$3.75” in the first line and inserting in lieu thereof “\$5.60”.

1957, c. 98,  
s. 26,  
amended

**3.** Section 26 of *The Public Hospitals Act, 1957* is amended by striking out “75 cents” in the ninth line and inserting in lieu thereof “\$1.10”.

1957, c. 98,  
s. 27, subs. 1,  
amended

**4.** Subsection 1 of section 27 of *The Public Hospitals Act, 1957* is amended by striking out “60 cents” in the sixth line and inserting in lieu thereof “\$1”.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Public Hospitals Amendment Act, 1960*.

## CHAPTER 94

## An Act to amend The Public Lands Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 14 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 309, s. 14, amended

- (2) The whole or part of any area of public lands covered with water that is set apart for the purposes of a harbour under subsection 1 shall border on public lands not covered with water and such lands or such part thereof as is deemed proper shall be set apart concurrently with the public lands covered with water. Small boat anchorages

**2.** *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950, c. 309, amended

14b.—(1) The Minister may designate any area in territory without municipal organization as a restricted area, and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as he deems proper. Restricted areas

- (2) Except under the authority of a permit issued under this Act, no person shall erect any building or structure or make any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area. Permits

- (3) Every person who erects a building or structure or makes any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offences

Exception,  
mines, etc.

- (4) This section does not apply to the erection of buildings or structures or the making of improvements on lands for the purpose of the exploration or development of mines, minerals or mining rights.

R.S.O. 1950,  
c. 309,  
amended

**3.** *The Public Lands Act* is amended by adding thereto the following section:

Penalty for  
unlawfully  
taking  
possession  
of public  
lands and  
erecting  
buildings,  
etc.

- 19a.—(1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister.

Recovery of  
penalty

- (2) A penalty imposed under subsection 1 is recoverable at the suit of the Minister in any court of competent jurisdiction.

Idem

- (3) If a person fails to pay a penalty imposed upon him under subsection 1 and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

(a) to determine whether such person is liable to a penalty under subsection 1;

(b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;

(c) to give such judgment as it deems proper; and

(d) to make such order as to costs or otherwise as it deems proper.

Saving

- (4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute.

R.S.O. 1950,  
c. 309, s. 61,  
amended

**4.** Section 61 of *The Public Lands Act*, as amended by section 2 of *The Public Lands Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Right of  
passage over  
portages

- (4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with his effects without the permission of or

payment

payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

5. Where letters patent granting land to the person or persons therein named have issued containing the proviso <sup>Proviso in certain letters patent void</sup> "Provided always that if at any time or times hereafter within the space of three years from the date of these presents the said..... by any Deed of Bargain and Sale release, exchange or other conveyance shall grant, bargain, sell, alien, release or convey all or any part of the said parcel or tract of land hereby granted, then and in such case this our Grant for such part of the land so given and granted to the said ..... and his heirs as aforesaid shall be null and void anything hereinbefore contained to the contrary thereof in anywise notwithstanding", or in words of like effect, such proviso shall be deemed to be void and of no effect.

6. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

7. This Act may be cited as *The Public Lands Amendment Act, 1960*. <sup>Short title</sup>





## CHAPTER 95

# An Act to amend The Public Libraries Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 21a of *The Public Libraries Act*, as enacted by R.S.O. 1950, c. 310, s. 21a section 3 of *The Public Libraries Amendment Act, 1959*, is (1959, c. 82, s. 3), amended by adding thereto the following subsection:

- (2) Where a board supplies library service to another board, it may charge a per capita fee for such service <sup>Fee for library service</sup> based on the population in the area under the jurisdiction of the board receiving the service, but such fee shall not exceed the per capita cost of operation, excluding the capital cost of land, buildings, furnishings, bookmobiles and other equipment, of the board supplying the service based on the population in the area under the jurisdiction of such board.

**2.** Section 26 of *The Public Libraries Act*, as re-enacted by R.S.O. 1950, c. 310, s. 26 section 4 of *The Public Libraries Amendment Act, 1959*, is (1959, c. 82, s. 4), amended by adding thereto the following subsections:

- (5) The chairman or acting chairman of the board may <sup>Voting</sup> vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

- (6) The presence of a majority of all the members comprising the board is necessary to form a quorum, and a vote of the majority of a quorum is necessary to bind the board. <sup>Quorum</sup>

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Public Libraries Amend-* <sup>Short title</sup> *ment Act, 1960.*



## CHAPTER 96

## An Act to amend The Public Schools Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Schools Act*, as amended by R.S.O. 1950, section 2 of *The Public Schools Amendment Act, 1957* and c. 316, s. 5, re-enacted section 2 of *The Public Schools Amendment Act, 1958*, is repealed and the following substituted therefor:

## GENERAL RIGHT TO ATTEND PUBLIC SCHOOL

- 5.—(1) Subject to section 6, a person who has attained <sup>Right to attend</sup> the age of five years on or before the 31st day of December in any year has the right to attend a public school in the school section in which he and his parent or guardian reside after the 1st day of September of the following year unless,
- (a) his parent or guardian is a separate school supporter; or
  - (b) he is unable by reason of mental or physical defect to profit by instruction; or
  - (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
  - (d) he has attained the age of twenty-one years.
- (2) Where a question arises as to whether or not a person can profit by instruction in a public school, the <sup>Determination as to whether or not person can profit by instruction</sup> matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.
- (3) It is the responsibility of the parent or guardian <sup>Evidence as to right to attend</sup> to submit evidence that the child has a right to attend the school, including proof of age.

Kinder-  
garten

- (4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior  
kindergarten

- (5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kinder-  
garten fees

- (6) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

#### RIGHTS OF ADMISSION OF RESIDENT AND NON-RESIDENT PUPILS

Determina-  
tion of  
gross and  
net cost

#### 6.—(1) In this section,

- (a) “gross cost per pupil per day” shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;
- (b) “net cost per pupil per day” shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

Resident  
pupil,  
admission  
to school

- (2) Subject to section 5, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

Admission  
where public  
school  
supporter  
moves into  
residence  
assessed to  
separate  
school  
support

- (3) Subject to section 5, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the

following

following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee.

(4) Subject to section 5, a child,

- (a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and
- (b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act, 1954* and as 1954, c. 86 certified by the inspector,

Admission of resident pupil to another school by reason of distance to school

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and a public school in a neighbouring school section is more accessible to the residence than the school that he is required to attend, as certified by the inspector of the school section in which the child resides, and the inspector for the neighbouring school certifies that there is sufficient accommodation for such non-resident pupil for the current school year, the child shall be admitted to the school for that school year upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

Resident pupil's right to attend more accessible neighbouring school

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 9, the child

Admission of non-resident pupils



may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission  
of child  
whose  
mother is  
sole  
supporter,  
etc.

(7) Subject to section 5, a child whose mother,

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a public or separate school in any school section; and

(d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*,

1957, c. 11

shall be admitted to a public school in the section in which he resides without the payment of a fee.

Admission  
of ward of  
children's  
aid society

(8) A child who is a ward of a children's aid society shall be admitted to a school by the board of the school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward and no fee shall be charged by the board.

Idem

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission  
of non-  
resident  
pupil, where  
parent  
assessed  
in section

(10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

(a) as an owner; or

(b) for business assessment; or

(c)

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

- (11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year.

**2.** Section 10 of *The Public Schools Act* is amended by adding thereto the following subsections:

- (5) Where the area of a rural school site is less than two acres, the board may without reference to a meeting of the ratepayers enlarge the site to not more than two acres.

- (6) This section does not apply to a school site in a township school area.

**3.** Section 13 of *The Public Schools Act* is repealed and the following substituted therefor:

#### ALTERATION OF SINGLE RURAL SCHOOL SECTIONS

13. The council of a township may pass a by-law,

- (a) to unite two or more sections in the same township into one section;

- (b) to alter the boundaries of a school section within the township, to divide an existing section into two or more sections, to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections

so as to form a new section, provided that all of the public school boards to be affected by the proposed by-law have been duly notified.

R.S.O. 1950,  
c. 316, s. 14,  
subss. 1, 2,  
subs. 2a  
(1957,  
c. 101, s. 4),  
subss. 3, 5,  
repealed

**4.** Subsections 1 and 2, subsection 2a, as enacted by section 4 of *The Public Schools Amendment Act, 1957*, and subsections 3 and 5 of section 14 of *The Public Schools Act* are repealed.

R.S.O. 1950,  
c. 316, s. 14a  
(1957, s. 14a  
re-enacted

**5.** Section 14a of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

#### BY-LAWS FOR ESTABLISHMENT OR ALTERATION OF SCHOOL SECTIONS

Effective  
dates

14a.—(1) A by-law of a municipal council for the establishment or alteration of a school section shall be passed before the 1st day of July in any year and, subject to subsection 2, shall become effective on the 1st day of January of the following year except that for the purposes of the election of trustees it shall be effective on the day of nomination for trustees for the school section.

Approval of  
Minister

(2) A by-law of a municipal council to establish a school section or a township school area or to alter the boundaries of a school section or a township school area shall not come into force until it has been approved by the Minister.

Clerk to  
send copies  
to board, to  
inspector and  
Minister

(3) The township clerk shall send a copy of the by-law immediately after the passing thereof to the secretary of the board of every school section affected thereby, to the inspector and to the Minister.

R.S.O. 1950,  
c. 316, s. 15,  
subs. 2c  
(1953, c. 90,  
s. 3, subs. 1),  
amended

**6.**—(1) Subsection 2c of section 15 of *The Public Schools Act*, as enacted by subsection 1 of section 3 of *The Public Schools Amendment Act, 1953*, is amended by striking out "25th day of December in the year in which the by-law is passed" in the third and fourth lines and inserting in lieu thereof "1st day of January of the year following that in which the by-law is passed".

R.S.O. 1950,  
c. 316, s. 15,  
subs. 4a  
(1957, c. 101,  
s. 6, subs. 1),  
amended

(2) Subsection 4a of the said section 15, as re-enacted by subsection 1 of section 6 of *The Public Schools Amendment Act, 1957*, is amended by striking out "has established" in the first line and inserting in lieu thereof "includes part or all of", so that the subsection shall read as follows:

Decreasing  
areas

(4a) The council of a township that includes part or all of a township school area may, by by-law passed before the 1st day of July in any year, detach any

portion of the township school area and, subject to subsection 3 of section 65, may establish such portion or any part thereof as a school section, union school section or township school area or attach such portion or any part thereof to a township school area, or to an adjoining school section, or to a union school section, and the provisions of section 17 with respect to adjustments of rights and claims shall apply *mutatis mutandis*.

- (3) Subsection 8 of the said section 15 is repealed.

R.S.O. 1950,  
c. 316, s. 15,  
subs. 8,  
repealed

- (4) The said section 15 is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 316, s. 15,  
amended

- (9b) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be changed in the manner provided in section 78 to that provided for a school board of an urban municipality.

Where  
township  
divided  
into wards

- 7.** Sections 22, 23, 24 and 25, section 26, as re-enacted by section 4 of *The Public Schools Amendment Act, 1953*, and sections 27 and 28 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316, s. 22,  
re-enacted;  
ss. 23-25,  
s. 26 (1953,  
c. 90, s. 4),  
ss. 27, 28,  
repealed

22. Every consolidated school section heretofore established is a township school area.

Consolidated  
school  
section  
deemed  
township  
school area

- 8.** Section 30 of *The Public Schools Act* is repealed.

R.S.O. 1950,  
c. 316, s. 30,  
repealed

- 9.** Subsection 2 of section 32 of *The Public Schools Act* is amended by striking out "25th day of December" in the eighth line and inserting in lieu thereof "1st day of January".

R.S.O. 1950,  
c. 316, s. 32,  
subs. 2,  
amended

- 10.—(1)** Subsection 1 of section 44 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316, s. 44,  
subs. 1,  
re-enacted

- (1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a school section.

Formation of  
school  
sections  
in  
territory  
without  
municipal  
organization

- (2) Subsection 6 of the said section 44, as enacted by section 4 of *The Public Schools Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316, s. 44,  
subs. 6  
(1954, c. 79,  
s. 4),  
re-enacted

- (6) The board shall be a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No. ...."

Board to be  
corporation,  
name



of the unorganized Townships of.....  
.....in the Territorial District(s) of  
.....(*inserting a  
number selected by the inspector, the name of the town-  
ship in which the school site is located, the names of  
other townships in alphabetical order and the name(s)  
of district(s) )*" and, where the school section includes  
only unsurveyed territory, shall be known as "The  
Public School Board of.....  
in the Territorial District(s) of.....  
(*inserting a name selected by the inspector and the  
name(s) of the district(s) )*".

R.S.O. 1950,  
c. 316, s. 50,  
repealed

**11.** Section 50 of *The Public Schools Act*, as amended by section 5 of *The Public Schools Amendment Act, 1954* and section 8 of *The Public Schools Amendment Act, 1958*, is repealed.

R.S.O. 1950,  
c. 316, s. 59,  
subs. 1,  
amended

**12.** Subsection 1 of section 59 of *The Public Schools Act* is amended by striking out "A rural school board may" in the first line and inserting in lieu thereof "Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may", so that the subsection shall read as follows:

School  
property  
may be  
paid for  
by one  
special rate

- (1) Subject to subsection 5 of section 10, a township school area board may, and any other rural school board with the approval of the ratepayers of the school section may, require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher's residence.

R.S.O. 1950,  
c. 316, s. 60,  
re-enacted

**13.** Section 60 of *The Public Schools Act* is repealed and the following substituted therefor:

Rural school  
board may  
borrow  
surplus in  
Ontario  
Municipalities  
Fund

60. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed.



**14.** *The Public Schools Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 316,  
amended

60a. Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser.

Cost of  
borrowing  
advance to  
board  
before  
sale of  
debenture

**15.** Section 76, section 77, as amended by section 9 of *The Public Schools Amendment Act, 1953*, and section 78 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 316,  
ss. 76-78,  
re-enacted

76.—(1) Except as provided in section 77, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year.

Election of  
trustees in  
urban muni-  
cipality not  
divided into  
wards, by  
general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held as follows, where the population was,

Number of  
trustees  
on board

(a) less than 10,000, six trustees;

(b) 10,000 or more but less than 50,000, eight trustees;

(c) 50,000 or more but less than 100,000, ten trustees;

(d) 100,000 or more, twelve trustees.

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, the trustees in office shall continue in office until the end of the year and the proper number of trustees shall be elected to take office on the 1st day of January of the following year.

Change in  
number of  
trustees

Urban  
municipality  
divided  
into wards

77.—(1) A school board for an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five  
or more  
wards

(2) A school board of an urban municipality that is divided into five or more wards may, in the manner provided in section 78, be changed to a board comprising one trustee for each ward elected by the electors of each ward for a period of two years.

Change from  
election by  
wards to  
general vote

(3) A school board of an urban municipality that is divided into wards may, in the manner provided in section 78, be changed to a board elected in the manner provided in section 76.

Method of  
changing  
composition  
and  
election  
of board

78.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 77 to that provided in any other subsection in that section provided that,

(a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or

(b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where  
change  
involves  
township  
area  
board or  
board of  
education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1.

Election of  
new board  
after  
change

(3) At the election following the passing of the resolutions by the board and council or following a favourable vote of the electors on the question, a new board

shall

shall be elected to take office on the 1st day of January of the following year.

- (4) A change in the method of election may not be made under this section unless, Limitations on changing method of election

(a) the board has been elected in its present form for a period of four years; or

(b) a board of education is being established or a public school board is being established following the dissolution of a board of education.

78a. At the first election of trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

(a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and

(b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the retirement shall be determined by lot.

**16.** Subsection 1 of section 80 of *The Public Schools Act*, R.S.O. 1950, c. 316, s. 80 as re-enacted by section 10 of *The Public Schools Amendment Act, 1953*, is amended by striking out "vacancies and declarations of qualification for office" in the tenth and eleventh lines, so that the subsection shall read as follows: (1953, c. 90, s. 10), subs. 1, amended

- (1) The board of an urban municipality or a township board shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, shall *mutatis mutandis* apply to the election. Election by ballot R.S.O. 1950, c. 243

R.S.O. 1950,  
c. 316, s. 82,  
repealed

**17.** Section 82 of *The Public Schools Act*, as amended by section 11 of *The Public Schools Amendment Act, 1953*, is repealed.

R.S.O. 1950,  
c. 316, s. 90,  
repealed

**18.** Section 90 of *The Public Schools Act*, as amended by section 7 of *The Public Schools Amendment Act, 1959*, is repealed.

R.S.O. 1950,  
c. 316, s. 92,  
repealed

**19.** Section 92 of *The Public Schools Act* is repealed.

R.S.O. 1950,  
c. 316,  
s. 120,  
subs. 8,  
repealed

**20.** Subsection 8 of section 120 of *The Public Schools Act* is repealed.

R.S.O. 1950,  
c. 316,  
s. 120a,  
subs. 1  
(1953, c. 90,  
s. 14,  
subs. 1),  
re-enacted

**21.**—(1) Subsection 1 of section 120a of *The Public Schools Act*, as re-enacted by subsection 1 of section 14 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor:

Municipal  
inspector

(1) Where the average attendance of pupils in the public schools operated by a board in any year is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate and if the request is granted the school section shall become a municipal inspectorate on the date designated by the Minister and the board shall employ an inspector whose appointment or removal shall not be effective until approved by the Minister.

Idem

(1a) Where the average attendance of pupils in the public schools operated by a board in any year is 3,000 or more, the school section shall on the 1st day of July of the following year become a municipal inspectorate and the board shall employ an adequate staff of inspectors whose appointment or removal shall not be effective until approved by the Minister.

R.S.O. 1950,  
c. 316,  
s. 120a,  
subs. 1a  
(1959, c. 83,  
s. 10,  
subs. 1),  
renumbered

(2) Subsection 1a of the said section 120a, as enacted by subsection 1 of section 10 of *The Public Schools Amendment Act, 1959*, is renumbered as subsection 1aa.

R.S.O. 1950,  
c. 316,  
ss. 131, 132,  
repealed

**22.** Sections 131 and 132 of *The Public Schools Act* are repealed.

Commence-  
ment

**23.**—(1) This Act, except sections 1 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 18 come into force on the 1st day of July, 1960.

Short title

**24.** This Act may be cited as *The Public Schools Amendment Act, 1960*.

## CHAPTER 97

## An Act to amend The Public Service Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Public Service Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 317, s. 7,  
amended

(1a) With the consent of his minister, a deputy minister may delegate in writing any of his powers or duties to any civil servant in his department. Delegation  
of powers,  
duties

**2.** Section 9 of *The Public Service Act*, as amended by section 2 of *The Public Service Amendment Act, 1958*, is further amended by adding thereto the following clauses: R.S.O. 1950,  
c. 317, s. 9,  
amended

(jj) prescribing procedures to be followed for hearing and dealing with grievances of such classes of persons in the public service as are designated, providing for the establishment of a grievance board to hear and deal with such grievances as are prescribed and prescribing the powers of the board including the power to call, swear and compel the attendance of witnesses;

(jjj) authorizing the Commission to hear and deal with such grievances as are prescribed of classes of persons designated under clause *jj* and prescribing the powers of the Commission for the purpose.

**3.—**(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 2 shall be deemed to have come into force on the 1st day of October, 1959. Idem

**4.** This Act may be cited as *The Public Service Amendment Act, 1960*. Short title





## CHAPTER 98

**The Public Service Superannuation Act, 1960**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Board" means the Public Service Superannuation Board;
- (b) "child" includes adopted child and step-child;
- (c) "civil servant" has the same meaning as in *The Public Service Act*; R.S.O. 1950, c. 317
- (d) "contributor" in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under *The Public Service Act* and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed for a period of one year;
- (e) "Crown" means the Crown in right of Ontario;
- (f) "Fund" in Part I means the Public Service Superannuation Fund, and in Part II means the Public Service Retirement Fund;
- (g) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the Minister to whom the Board is responsible for the administration of this Act;
- (h) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 317, s. 1 (1); 1959, c. 84, s. 1, amended.

Board,  
continued

**2.**—(1) The board known as the Public Service Superannuation Board is continued and shall consist of four members.

Composition

(2) The chairman of the Civil Service Commission is *ex officio* a member of the Board and the other three members shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Association of Ontario.

Chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman. 1959, c. 84, s. 3, *part*.

Administra-  
tion of Act

**3.** The Board is responsible to the Minister for the administration of this Act. 1959, c. 84, s. 3, *part*.

## PART I

### SUPERANNUATION FUND

Fund  
continued

**4.**—(1) The fund known as the Public Service Superannuation Fund and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account are continued. R.S.O. 1950, c. 317, s. 12 (1).

Composition  
of Fund

(2) The Fund consists of the moneys paid in by contributors and the moneys credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law, less the moneys paid out under this Part. R.S.O. 1950, c. 317, s. 12 (3), *amended*.

Records

(3) The Treasurer shall keep records showing a separate account for each contributor to the Fund. R.S.O. 1950, c. 317, s. 12 (5), *amended*.

Interest

(4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. R.S.O. 1950, c. 317, s. 16, *amended*.

Deficiency

(5) If at any time the amount at the credit of the Fund is insufficient to meet the payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1950, c. 317, s. 17, *amended*.

Contribu-  
tions,  
current

**5.** There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1957, c. 102, s. 1, *part, amended*.

**6.—(1)** Every person,

- (a) who becomes a contributor after the commencement of this Act; and
- (b) who was continuously in the service of the Crown up to the time he became a contributor; and
- (c) who gives notice in writing to the Board within six months after he becomes a contributor of his intention to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown; and
- (d) who pays, or agrees to pay by way of salary deductions, an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest at the rate of 3 per cent per annum upon such amount,

Contributions in respect of past service

is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made.

(2) Any contributor who is entitled under subsection 1 to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and the period in respect of which he contributes under section 5.

Idem, part of past service

(3) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown. 1957, c. 102, s. 1, *part, amended*.

Commencement of continuous service

**7.—(1)** A contributor who is granted leave of absence without salary shall within six months of the termination of the leave contribute to the Fund an amount equivalent to the amount he would have contributed if he had not been granted the leave and, where the leave,

Leave of absence, contributions

- (a) exceeds one month; and
- (b) is granted for a reason other than illness or pregnancy,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 8.

Idem

(2) Where a contributor is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he is not entitled to credit for the period of the leave. R.S.O. 1950, c. 317, s. 14, *amended*.

Govern-  
ment's con-  
tribution

**8.**—(1) Except as otherwise provided, where a contribution is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund.

Designated  
branches

(2) Where contributors are engaged in a branch of the civil service that has a special fund and the branch is designated for the purpose of this subsection by the Lieutenant Governor in Council, amounts equivalent to the contributions to the Fund of such contributors shall be credited or paid to the Fund out of the special fund of the branch in lieu of the credits to the Fund provided for in subsection 1.

Boards and  
commis-  
sions

(3) Where the Lieutenant Governor in Council designates a board or commission under section 27, amounts equivalent to the contributions to the Fund of contributors who are members of the permanent staff of the board or commission shall be paid into the Fund by the board or commission in lieu of the credits to the Fund provided for in subsection 1. R.S.O. 1950, c. 317, s. 15, *amended*.

Super-  
annuation  
allowance,  
at 65

**9.**—(1) Every contributor who,

(a) has attained the age of sixty-five years; and

(b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.

at 70

(2) Notwithstanding subsection 1, every contributor who was more than fifty years of age on the 1st day of March, 1948, and who,

(a) has attained the age of seventy years; and

(b) has contributed to the Fund in respect of a period of fifteen or more years,

is entitled to a superannuation allowance upon his retirement.



(3) Every contributor who,

at 60

(a) has attained the age of sixty years; and

(b) has contributed to the Fund in respect of a period of twenty-five or more years,

is entitled to a superannuation allowance upon his retirement.  
R.S.O. 1950, c. 317, s. 18, *amended*.

**10.**—(1) Every contributor who,

Disability  
allowance

(a) became a contributor at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and

(b) has contributed to the Fund in respect of a period of ten or more years; and

(c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and

(d) is retired by the Lieutenant Governor in Council,

is entitled to a disability allowance. 1952, c. 88, s. 1, *amended*.

(2) The Board may at any time review the case of any person receiving a disability allowance and, if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Lieutenant Governor in Council who may direct that he be considered for re-employment. Review

(3) Where a person is offered re-employment under this section, his disability allowance ceases whether or not he accepts the offer. Re-employment

(4) Where a person does not accept the offer and the total amount of the allowance paid to him is less than the total amount of his contributions with interest at 3 per cent per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs. R.S.O. 1950, c. 317, s. 19 (2-4), *amended*. Where  
offer not  
accepted

**11.**—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund Computa-  
tion of  
allowances

in

in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1950, c. 317, s. 20 (1), *amended*.

Maximum  
and mini-  
mum super-  
annuation  
allowance

(2) In no case shall the amount of an annual superannuation allowance be,

- (a) more than \$3,000 where any period of non-contributory service is included in the computation; or
- (b) less than \$600, except where \$600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service. R.S.O. 1950, c. 317, s. 20 (2); 1951, c. 74, s. 1, *amended*.

Maximum  
and mini-  
mum dis-  
ability  
allowance

(3) In no case shall the amount of an annual disability allowance be,

- (a) more than \$3,000 where any period of non-contributory service is included in the computation; or
- (b) less than \$600, except that, where the contributor receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. R.S.O. 1950, c. 317, s. 20 (3); 1951, c. 74, s. 1, *amended*.

Computa-  
tion of part  
of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month. R.S.O. 1950, c. 317, s. 1 (2), *amended*.

Deferred  
annuities

**12.—**(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty-five years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity.

Immediate  
annuities

(2) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

(3) Every contributor who has contributed continuously *Idem* to the Fund in respect of ten or more years and who ceases to be employed after he is fifty years of age and before he is sixty years of age is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(4) Every former contributor who has a deferred annuity *Idem* is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity.

(5) This section does not apply to any person who was *Idem* more than fifty years of age when his continuous service commenced. 1958, c. 89, s. 3, *part, amended.*

**13.**—(1) The amount of every deferred annuity shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous service where the contributor has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned.

(2) An annuity computed under subsection 1 shall be *Idem* reduced by 1 per cent for each whole year by which the number of years of service is less than twenty years.

(3) The amount of every immediate annuity shall be computed in the same manner as provided in subsections 1 and 2 except that the amount so determined shall be adjusted in accordance with the following table:

Age	Divisor
60	50
59	54
58	58
57	62
56	67
55	72
54	77
53	82
52	88
51	94
50	100

1958, c. 89, s. 3, *part, amended.*

Compu-  
tation of  
part of year

(4) Where a computation under subsection 1 involves part of a year, the computation shall be made on a monthly basis, and

(a) any part of a month less than fifteen days shall be disregarded; and

(b) any part of a month not less than fifteen days shall be deemed to be a month. *New.*

Widows and  
children of  
annuitants

**14.** Section 20 applies *mutatis mutandis* to the widow or child or children of an annuitant under section 12, except that the amount of the allowance shall be equal to one-half the value of the annuity. 1958, c. 89, s. 3, *part*.

Death of  
annuitant

**15.** Except as provided in section 14, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest at 3 per cent per annum, less the amount of the annuity paid to him, shall be paid to his personal representative. 1958, c. 89, s. 3, *part*.

Re-employ-  
ment of  
super-  
annuate  
R.S.O. 1950,  
c. 317

**16.** Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which such person is under the age of sixty-five years shall be added to the period of his prior employment and the allowance payable upon termination of his re-employment shall be re-calculated accordingly. R.S.O. 1950, c. 317, s. 23, *amended*.

Refunds

**17.—(1)** Where a contributor who has contributed to the Fund in respect of a period of less than three years resigns, or is dismissed, or dies leaving no widow and no child or children, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

Idem

(2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be. R.S.O. 1950, c. 317, s. 24, *amended*.

Retirement  
or death  
before  
super-  
annuation

**18.** Where a contributor who,

(a) has attained retiring age is retired by the Lieutenant Governor in Council in circumstances under which he

is not entitled to a superannuation allowance or annuity; or

(b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity is retired by the Lieutenant Governor in Council in circumstances under which he is not entitled to a disability allowance or annuity; or

(c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be. 1952, c. 88, s. 2, *amended*.

**19.** Except as provided in section 20, where a person who is in receipt of an allowance dies, an amount equal to the amount of his contributions, with interest at 3 per cent per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1950, c. 317, s. 26, *amended*.

**20.**—(1) Where a contributor who has contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

(a) dies leaving a widow, an amount equal to,

(i) one-half of the allowance computed in the manner provided in section 11 but based on the deceased's employment to the time of his death, or

(ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood and, where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) dies leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,

(i) one-half of the allowance computed in the manner provided in section 11 but based on

the



the deceased's employment to the time of his death, or

- (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

Where payments less than contributions

(2) Where the payments made under subsection 1 or the amount of the allowance and any payments made under subsection 1, as the case may be, are less than the amount of the contributions of the deceased with interest at 3 per cent per annum, the amount of the difference shall be paid to his personal representative. R.S.O. 1950, c. 317, s. 27 (1, 2), *amended*.

Late marriages

(3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be.

Where deceased is a widow

(4) Where the contributor or the person to whom an allowance was being paid was a widow, subsection 1 applies *mutatis mutandis* to her child or children. R.S.O. 1950, c. 317, s. 27 (3, 4), *amended*.

Payment monthly

**21.** Allowances and annuities shall be paid in monthly instalments. R.S.O. 1950, c. 317, s. 29, *amended*.

Sheriffs, persons engaged in administration of justice

**22.—(1)** This Part applies to,

- (a) every sheriff; and  
(b) every person or class of persons connected with the administration of justice who or that are designated by the Lieutenant Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

Computation of contributions

R.S.O. 1950, c. 312

(2) Where a person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and his allowance or annuity shall be computed accordingly. R.S.O. 1950, c. 317, s. 32.

**23.**—(1) This Part applies to every registrar of deeds <sup>Registrars of deeds</sup> whether paid by fees or by salary and to the permanent staffs of their offices.

(2) Where a registrar of deeds is paid by fees, his contributions payable under this Part shall be computed upon the net income within the meaning of *The Registry Act* for the preceding year in respect of the office occupied by him, and his allowance or annuity shall be computed accordingly. <sup>Computation of contributions and allowances R.S.O. 1950, c. 336</sup>

(3) Where a registrar's income is supplemented under <sup>Idem</sup> section 108 of *The Registry Act*, the amount of such supplement shall not be included in arriving at his net income for the purpose of computing the amount of his contributions payable under this Part.

(4) Every registrar of deeds shall pay monthly to the Fund from the fees of his office an amount equal to the contributions in respect of present services that is due to the Fund by himself and by the members of the permanent staff of his office, and, where such fees are insufficient to pay such contributions, the balance shall be paid to the Fund from the Consolidated Revenue Fund. 1953, c. 91, s. 2. <sup>Contributions to be paid monthly</sup>

(5) Where a registrar of deeds or any of the members of the permanent staff of his office make payments to the Fund in respect of services performed by them before the 1st day of July, 1953, the registrar shall pay to the Fund from the fees of his office an amount equal to such payments, and, if such fees are insufficient to pay the whole of such amount, the balance shall be paid to the Fund from the Consolidated Revenue Fund, and thereupon the registrar and each of such members respectively are entitled to credit in the Fund for such period of past service as is fixed by the Board. 1954, c. 80, s. 1. <sup>Past services</sup>

**24.** This Part applies to every full-time magistrate. <sup>Magistrates R.S.O. 1950, c. 317, s. 34, amended.</sup>

**25.**—(1) This Part applies to every jailer and jail employee, other than a jail surgeon, who is employed full time on the permanent staff of a county or city jail, in respect of his service after the 30th day of June, 1948, except that the county or city, as the case may be, shall contribute to the Fund an amount equal to the contribution of the jailer or jail employee in lieu of the contribution out of the Consolidated Revenue Fund provided for in section 8, and shall also pay into the Fund the contribution deducted from the salary of the jailer or jail employee. <sup>Jailers and jail employees</sup>

Agreements  
respecting  
prior service

(2) The Board and the council of a county or city that has established a jail may, with the approval of the Lieutenant Governor in Council, enter into an agreement under which the jailer and jail employees and the municipality may pay into the Fund in respect of the service of such persons before the 1st day of July, 1948, and, where such an agreement is entered into and such payments are made, the jailer and jail employees are entitled to credit for the period of service represented by the payments made in reckoning the amount of allowances or annuities payable to them. R.S.O. 1950, c. 317, s. 33, *amended*.

Service  
credits of  
teachers  
becoming  
contributors

**26.**—(1) Every person who had been a contributor to the Teachers' Superannuation Fund and who was a contributor to the Public Service Superannuation Fund on the 1st day of July, 1953, and whose contributions and credits in the Teachers' Superannuation Fund have been transferred to the Public Service Superannuation Fund shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

Transfer of  
credits of  
teachers  
who become  
contributors

(2) Where a person who was a contributor to the Teachers' Superannuation Fund becomes a contributor to the Public Service Superannuation Fund after the 1st day of July, 1953, an amount equal to his contributions and credits in the Teachers' Superannuation Fund with accumulated interest shall be transferred to the Public Service Superannuation Fund and thereupon he shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years. 1953, c. 91, s. 3.

Contributors  
becoming  
teachers  
R.S.O. 1950,  
c. 384

(3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of  $4\frac{3}{4}$  per cent per annum, shall be transferred to the Teachers' Superannuation Fund. R.S.O. 1950, c. 317, s. 35 (7), *amended*.

Boards,  
commissions

**27.** This Part applies to the permanent staff of any board or commission established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 317, s. 36, *amended*.

Arrange-  
ment for  
payment,  
out of Fund  
into another  
superannua-  
tion fund

**28.**—(1) Where a contributor becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a

sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Where a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined. R.S.O. 1950, c. 317, s. 37, *amended*.

## PART II

### RETIREMENT FUND

**29.**—(1) The fund known as the Public Service Retirement Fund and the account in the books of the Treasurer known as the Public Service Retirement Fund Account are continued. Retirement Fund and Retirement Fund Account continued

(2) The Fund consists of the moneys paid in by contributors under this Part and the amounts credited to it under subsection 4, less the moneys paid out under this Part. Composition

(3) The Treasurer shall keep records showing a separate account for each contributor to the Fund. Records

(4) Interest shall be credited to the Fund out of the consolidated Revenue Fund at the rate of 3 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. 1952, c. 88, s. 3, *part, amended*. Interest

**30.**—(1) This Part does not apply to any person who was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Board. where Part does not apply

(2) This Part does not apply to any person who is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Board, and, if he Idem



so elects and in due course becomes a contributor within the meaning of Part I, his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part I, be deemed to have ceased on the date on which his election to come under this Part becomes effective. 1952, c. 88, s. 3, *part*.

**Contributions**

**31.** There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary and the amount so deducted shall be placed to his credit in the Fund. 1952, c. 88, s. 3, *part, amended*.

**Transfer to Public Service Superannuation Fund**

**32.** Where a contributor under this Part becomes a contributor under Part I, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. 1952, c. 88, s. 3, *part, amended*.

**Refunds**

**33.—(1)** Where a contributor who has contributed to the Fund in respect of three years or less ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be.

**Idem**

**(2)** Where a contributor who has contributed to the Fund in respect of more than three years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be. 1952, c. 88, s. 3, *part, amended*.

## PART III

### GENERAL

**Custodian of Funds**

**34.** The Treasurer is custodian of the Public Service Superannuation Fund and the Public Service Retirement Fund. R.S.O. 1950, c. 317, s. 12 (2); 1952, c. 88, s. 3, *part*.

**Audit**

**35.** The Public Service Superannuation Fund and the Public Service Retirement Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant Governor in Council and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1950, c. 317, ss. 12, 42 (5); 1952, c. 88, s. 3, *part, amended*.



**36.** Every payment out of the Public Service Superannuation Fund or the Public Service Retirement Fund shall be made by cheque of the Treasurer issued upon the requisition of the Board. R.S.O. 1950, c. 317, s. 28, *amended*; 1952, c. 88, s. 3, *part, amended*. Payments out

**37.** The interest of any person in the Public Service Superannuation Fund or the Public Service Retirement Fund or in any allowance, annuity, refund or other sum payable out of either fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. R.S.O. 1950, c. 317, s. 30; 1952, c. 88, s. 3, *part, amended*. No attachment, etc.

**38.** Where a person who leaves the service of the Crown is indebted to the Crown, the amount of such indebtedness shall be deducted from any payment to which he or his personal representative is entitled under this Act. R.S.O. 1950, c. 317, s. 31; 1952, c. 88, s. 3, *part, amended*. Where person indebted to Crown

**39.** Where a person dies in circumstances under which a refund under this Act is payable to his personal representative but there is no personal representative, the refund may be paid to such person as the Board determines. 1955, c. 68, ss. 3-5, *amended*. Where no personal representative

**40.**—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires. Annual report

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1950, c. 317, s. 38, *amended*. Idem

**41.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. 1952, c. 88, s. 3, *part, amended*. Cost of administration

**42.** The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing the proofs to be furnished as a condition to the payment of an allowance or an annuity;
- (b) prescribing the times at which and the manner in which contributions to the Public Service Superannuation Fund shall be made by any class of contributors with respect to which special circumstances exist;

(c)

- (c) determining the maximum number of years of contribution to the Public Service Superannuation Fund, the maximum amount of contribution to that Fund or the maximum salary on which contributions to that Fund shall be reckoned;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 317, s. 39, *amended*.

Existing  
benefits

**43.** Nothing in this Act shall,

- (a) increase or decrease the amount of any allowance or annuity that was being paid under the predecessor of this Act when this Act comes into force; or
- (b) affect any right to any benefit created under any predecessor of this Act and, where there is any such right, the provisions of this Act apply *mutatis mutandis* thereto. R.S.O. 1950, c. 317, s. 41, *amended*.

R.S.O. 1950, c. 317,  
Pts. II, III;  
1951, cc. 74,  
83, s. 7;  
1952, c. 88;  
1953, c. 91;  
1954, c. 80;  
1955, c. 68;  
1956, c. 74;  
1957, c. 102;  
1958, c. 89,  
s. 3;  
1959, c. 84,  
ss. 3, 4,  
repealed

**44.** Parts II and III of *The Public Service Act*, *The Public Service Amendment Act, 1951*, section 7 of *The Statute Law Amendment Act, 1951*, *The Public Service Amendment Act, 1952*, *The Public Service Amendment Act, 1953*, *The Public Service Amendment Act, 1954*, *The Public Service Amendment Act, 1955*, *The Public Service Amendment Act, 1956*, *The Public Service Amendment Act, 1957*, section 3 of *The Public Service Amendment Act, 1958* and sections 3 and 4 of *The Public Service Amendment Act, 1959* are repealed.

Commence-  
ment

**45.** This Act comes into force on the 1st day of April, 1960.

Short title

**46.** This Act may be cited as *The Public Service Superannuation Act, 1960*.

## CHAPTER 99

## An Act to amend The Public Trustee Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Public Trustee Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 319,  
amended

9a.—(1) Where the Public Trustee acting in any capacity has in his hands property not exceeding \$2,000 in value of a person who has died and to which his personal representative is entitled, the production to the Public Trustee of,

Delivery  
up of  
property  
\$2,000 or  
less in value

- (a) an authenticated copy of the probate of the will of the deceased, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentar or testament-dative expedite in Scotland;
- (b) an authentic copy of the will of the deceased, if it is in notarial form according to the law of the Province of Quebec; or
- (c) if the deceased died elsewhere than in a place mentioned in clause *a*, any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for the delivering of such property in pursuance of and in

conformity

conformity with such probate, letters of administration, or other document.

Deposit of  
copy of  
document

- (2) When the authenticated copy or other document of like import is produced to the Public Trustee under subsection 1, there shall be deposited with him a true copy thereof.

R.S.O. 1950,  
c. 319,  
amended

**2.** *The Public Trustee Act* is amended by adding thereto the following section:

Investment  
of money

- 11a. Any money held by the Public Trustee that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either.

R.S.O. 1950,  
c. 319, s. 12,  
cl. f,  
amended

**3.** Clause *f* of section 12 of *The Public Trustee Act* is amended by striking out "and concerning the investment of money held by him" in the fourth and fifth lines and by striking out "security held by him for such" in the sixth line and inserting in lieu thereof "securities held by him for", so that the clause shall read as follows:

- (*f*) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and the custody and control of securities held by him for investments.

Short title

**4.** This Act may be cited as *The Public Trustee Amendment Act, 1960*.

## CHAPTER 100

## An Act to amend The Public Utilities Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Public Utilities Act* is amended by inserting after "utility" in the sixteenth line "other than those issued under *The Local Improvement Act*", so that the section shall read as follows:

36. The receipts arising from supplying an electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by *The Power Commission Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Public Utilities Amendment Act, 1960*.





## CHAPTER 101

## An Act to amend The Reformatories Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Reformatories Act* is amended by adding R.S.O. 1950, c. 335, s. 1, amended thereto the following clause:

(aa) "Deputy Minister" means the Deputy Minister of Reform Institutions.

2. Section 3 of *The Reformatories Act* is amended by R.S.O. 1950, c. 335, s. 3, amended striking out "a director of industries" in the second line, so that the section shall read as follows:

3. The Lieutenant Governor in Council may appoint Appointment of officers for each reformatory a superintendent, a surgeon, a bursar, an accountant, a storekeeper and such other officers as may be necessary.

3. Section 4 of *The Reformatories Act* is amended by striking R.S.O. 1950, c. 335, s. 4, amended out "director of industries" in the fourth line, so that the section shall read as follows:

4. The Lieutenant Governor in Council may make Regulations regulations for the management and discipline of reformatories and for prescribing the duties and conduct of the superintendent, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein.

4.—(1) Subsection 1 of section 5 of *The Reformatories Act* R.S.O. 1950, c. 335, s. 5, amended is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister" and by striking

out "the" in the fourth line and inserting in lieu thereof "an", so that the subsection shall read as follows:

Power of  
Deputy  
Minister  
over  
officers

- (1) The Deputy Minister may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant Governor is known, and an inspector may, until such pleasure has been intimated to him, cause any such officer so suspended to be removed beyond the precincts of the reformatory.

R.S.O. 1950,  
c. 335, s. 5,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 5 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 335, s. 6,  
amended

5. Section 6 of *The Reformatories Act* is amended by striking out "the inspector" in the third line and inserting in lieu thereof "an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

Transfer  
from  
common jail  
to re-  
formatory

R.S.O. 1950,  
c. 273

6. A male person confined in a common jail under sentence of imprisonment for an offence against any Act of the Legislature may by the direction and warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* be transferred from the common jail to a reformatory for the unexpired portion of the term of imprisonment to which he was sentenced or committed, and he shall thereupon be imprisoned in a reformatory for the residue of the term and shall be subject to all the regulations of the reformatory.

R.S.O. 1950,  
c. 335, s. 8,  
amended

6. Section 8 of *The Reformatories Act* is amended by striking out "The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof "An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

Transfer of  
prisoners  
R.S.O. 1950,  
c. 273

8. An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* may by warrant direct the removal from a reformatory back to the common jail, or from an industrial school for boys or an industrial farm to a reformatory, of any person detained therein under the authority of any Act of the Legislature.

**7.** Section 11 of *The Reformatories Act* is repealed.

R.S.O. 1950,  
c. 335, s. 11,  
repealed

**8.** Section 12 of *The Reformatories Act* is amended by striking out "the director of industries" in the first line, so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 12,  
amended

12. The superintendent, the bursar, the accountant, and every storekeeper and steward of a reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct.

Security by  
officers

**9.** Subsection 1 of section 13 of *The Reformatories Act* is amended by striking out "The inspector shall not nor shall any officer or employee in a reformatory" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 335, s. 13,  
subs. 1,  
amended

(1) No officer or employee of the Department of Reform Institutions shall, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

Officers not  
to be  
interested  
in any  
prison  
contract

**10.** Section 14 of *The Reformatories Act* is amended by striking out "The superintendent or the director of industries of a reformatory shall not nor shall any officer or employee" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 14,  
amended

14. No officer or employee of the Department of Reform Institutions shall buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any inmate or visitor or any other person, or employ any inmate in working for him.

Officers not  
to trade,  
etc., in the  
reformatory

**11.** Subsection 2 of section 18 of *The Reformatories Act* is repealed.

R.S.O. 1950,  
c. 335, s. 18,  
subs. 2,  
repealed

**12.** Subsection 2 of section 19 of *The Reformatories Act* is amended by striking out "and to such other regulations of the superintendent as may be prescribed by the inspector" in

R.S.O. 1950,  
c. 335, s. 19,  
subs. 2,  
amended

the third and fourth lines, so that the subsection shall read as follows:

Conditions  
of  
employment

(2) Every such inmate during such employment shall be subject to all the provisions of this Act and the regulations and discipline of the reformatory.

R.S.O. 1950,  
c. 335, s. 24,  
amended

**13.** Section 24 of *The Reformatories Act* is amended by striking out "inspector" in the seventh line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 335, ss. 25,  
26, repealed

**14.** Sections 25 and 26 of *The Reformatories Act* are repealed.

Short title

**15.** This Act may be cited as *The Reformatories Amendment Act, 1960*.



## CHAPTER 102

## An Act to amend The Registry Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 9 of *The Registry Act* is amended by striking out "\$10,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows: R.S.O. 1950,  
c. 336, s. 9,  
subs. 2,  
amended

(2) The amount of such security shall, except in the case of a registrar in a provisional judicial district, be not less than \$4,000 and not more than \$50,000. Amount of  
security

**2.** Subsection 4 of section 52a of *The Registry Act*, as enacted by section 8 of *The Registry Amendment Act, 1954* and amended by subsection 2 of section 2 of *The Registry Amendment Act, 1955*, is further amended by adding "or" at the end of clause c, by adding "or" at the end of clause f and by adding thereto the following clause: R.S.O. 1950,  
c. 336, s. 52a  
(1954, c. 83,  
s. 8), subs. 4,  
amended

(g) an authority established under *The Conservation Authorities Act*. R.S.O. 1950,  
c. 62

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Registry Amendment Act, 1960*. Short title



CHAPTER 103

An Act to amend The Regulations Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *e* of section 1 of *The Regulations Act*, as amended by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is further amended by adding thereto the following subclause:

R.S.O. 1950,  
c. 337, s. 1,  
cl. *e*,  
amended

(ia) a regulation made under *The Broker-Dealers Act, 1947*, c. 8; *The Teaching Profession Act*, section 54 of *R.S.O. 1950*, cc. 385, 46, 62; *The Cemeteries Act* or by an authority under *The Conservation Authorities Act, 1957*, c. 98; *R.S.O. 1950*, c. 8 made under *The Public Hospitals Act, 1957*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

(2) Subclause iii of clause *e* of the said section 1, as re-enacted by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 337, s. 1,  
cl. *e*, subcl.  
iii (1959,  
c. 89, s. 1,  
subs. 1),  
re-enacted

(iii) an order, direction or designation of the Lieutenant Governor in Council under section 5, 28, 39, 39a, 39b, 40 or 63 of *The Highway Improvement Act, 1957* or a designation by the Minister of Highways under section 39c or 84 of that Act, or

1957, c. 43

**2.** No regulation or by-law made before this Act comes into force and referred to in subclause ia of clause *e* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that the regulation or by-law was not filed or published as required by *The Regulations Act*.

Existing  
regulations  
and by-laws  
valid

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Regulations Amendment Act, 1960*.

Short title



## CHAPTER 104

### An Act to amend The Sanatoria for Consumptives Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 49a of *The Sanatoria for Consumptives Act*, as enacted by section 5 of *The Sanatoria for Consumptives Amendment Act, 1956*, is repealed. R.S.O. 1950, c. 346, s. 49a (1956, c. 79, s. 5), repealed

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1960*. Short title





## CHAPTER 105

**An Act to amend  
The Sandwich, Windsor and Amherstburg  
Railway Act, 1949**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Sandwich, Windsor and Amherstburg Railway Act*, <sup>1949, c. 91,</sup> amended 1949 is amended by adding thereto the following section:

12a. Notwithstanding any other provision in this Act, the manner of payment of the sum of \$2,100,000 <sup>Refinancing of portion of railway company debt</sup> referred to in sections 3 and 5, the securities to be given therefor and the provisions for a sinking fund for the retirement of such debt may from time to time be varied or revised by the Treasurer of Ontario with the approval of the Lieutenant Governor in Council in such manner as he may determine and, without limiting the generality of the foregoing, the Treasurer of Ontario with like approval may provide for the prepayment by the railway company of the whole or any part of the said sum of \$2,100,000 or the interest thereon, or the establishment of a sinking fund providing for retirement thereof at an earlier date than is prescribed in section 5, and the Treasurer of Ontario is hereby authorized and directed to accept payment pursuant to the terms of any such arrangement, variation or revision.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1960*. <sup>Short title</sup>



## CHAPTER 106

**An Act respecting the Proposed International  
Bridge over the St. Mary's River  
at Sault Ste. Marie**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Treasurer of Ontario may purchase, acquire and hold, Treasurer authorized to purchase certain securities, etc.
  - (a) securities issued by International Bridge Authority, a corporation created by Act No. 237 of the Public Acts of the State of Michigan for 1935;
  - (b) the shares of St. Mary's River Bridge Company, a corporation created by chapter 64 of the Statutes of Canada, 1955;
  - (c) the shares of The International Transit Company, Limited, a corporation created under *The Companies Act* of Ontario by letters patent dated the 22nd day of May, 1888,

and pay therefor out of the Consolidated Revenue Fund.

2. The Treasurer of Ontario may sell or otherwise dispose of any securities or shares purchased, acquired and held under section 1 and the proceeds of any such sale or other disposition shall be deposited to the credit of the Consolidated Revenue Fund. Sale of same securities, etc.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Sault Ste. Marie Bridge Act, 1960*. Short title





## CHAPTER 107

### An Act to amend The Schools Administration Act, 1954

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Schools Administration Act, 1954* <sup>1954, c. 86, s. 1, amended</sup> is amended by adding thereto the following subsection:

(2) In this Act and in *The Department of Education Act*, <sup>in school Acts</sup> 1954 and the regulations thereunder, *The Public Schools Act*, *The Separate Schools Act* and *The Secondary Schools and Boards of Education Act, 1954*, <sup>1954, c. 20; R.S.O. 1950, c. 316, 356; 1954, c. 87</sup> unless otherwise provided in the Act or regulations,

- (a) "capital fund" means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
- (b) "cost of operation" means the total of the current expenditure and debt charges paid in the year by a board or on its behalf;
- (c) "current expenditure" means an expenditure for maintenance or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
- (d) "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
- (e) "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not

payable

payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;

- (f) "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
- (g) "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;
- (h) "municipal inspector" means a person who is qualified and is employed with the approval of the Minister by a school board to inspect schools in a municipal inspectorate;
- (i) "municipal inspectorate" means an inspectorate for which a school board employs the inspectors;
- (j) "permanent improvement" includes,
  - (i) the acquisition of a school site and an addition or an improvement to a school site,
  - (ii) the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto,
  - (iii) the acquisition or erection of an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto,
  - (iv) the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
  - (v) the acquisition of a bus, or other vehicle, used for the transportation of pupils,
  - (vi) the obtaining of a water supply on the school property or conveyed from outside the school property,

(vii)

- (vii) initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;
- (k) "provincial inspector" means a person who is employed by the province as a school inspector responsible to the Minister;
- (l) "reserve fund" means a reserve fund established under section 312 of *The Municipal Act* <sup>R.S.O. 1950, c. 243</sup> or clause *n* of section 33 of this Act;
- (m) "rural school section" means a school section in territory without municipal organization or in one or more townships;
- (n) "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas.

**2.** Subsection 3 of section 23 of *The Schools Administration Act, 1954* is amended by striking out "in a manner not mutually agreeable" in the third and fourth lines and by inserting after "board" in the fourth line "if not in agreement with the dismissal or termination", so that the subsection shall read as follows:

- (3) Notwithstanding anything in this or any other Act, <sup>Application for board</sup> where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

**3.—(1)** Clause *l* of section 33 of *The Schools Administration Act, 1954* is amended by striking out "in Ontario" in the <sup>1954, c. 86, s. 33, cl. 1, amended</sup> fifth and seventh lines, so that the clause shall read as follows:

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board incurred in attending meetings of the Ontario Educational Association or other similar

association of teachers or trustees and may make grants and pay membership fees to any such association.

1954, c. 86,  
s. 33, cl. *n*,  
re-enacted

(2) Clause *n* of the said section 33 is repealed and the following substituted therefor:

(*n*) invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*.

R.S.O. 1950,  
c. 400

1954, c. 86,  
s. 33,  
amended

(3) The said section 33 is amended by adding thereto the following clauses:

(*y*) provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he attends a school for a course in conservation or natural science with the consent of his parent or guardian and with the permission of the board;

(*z*) operate a cafeteria for the use of the staff and students.

1954, c. 86,  
amended

4. *The Schools Administration Act, 1954* is amended by adding thereto the following section:

Open  
meetings  
of school  
boards

37*a*.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Exclusion  
of persons

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

1954, c. 86,  
s. 46*a*  
(1958, c. 97,  
s. 6),  
amended

5. Section 46*a* of *The Schools Administration Act, 1954*, as enacted by section 6 of *The Schools Administration Amendment Act, 1958*, is amended by adding thereto the following subsection:

Formation  
of school  
board during  
biennial  
term of  
council

(4) Where a council is elected biennially and a new board is established after the election of council to be organized for the second year of the term of council, the council shall provide for the election of trustees to hold office for one year from the 1st day of January of such year and the election shall be held in the same manner as the election of trustees is held at municipal elections.

**6.** Section 83*c* of *The Schools Administration Act, 1954*, as enacted by section 9 of *The Schools Administration Amendment Act, 1958*, is amended by adding thereto the following subsection:

- (5) This section applies also to assessors who meet to apportion costs between parts of a union school section, parts of a township school area or parts of a secondary school district.

**7.** This Act comes into force on the day it receives Royal Assent.

**8.** This Act may be cited as *The Schools Administration Amendment Act, 1960*.





## CHAPTER 108

**An Act to amend  
The Secondary Schools and Boards of  
Education Act, 1954**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *h* and *l* of subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* are repealed. 1954, c. 87,  
s. 1, subs. 1,  
cls. *h*, *l*,  
repealed

**2.** Subsection 3 of section 13 of *The Secondary Schools and Boards of Education Act, 1954* is repealed. 1954, c. 87,  
s. 13, subs. 3,  
repealed

**3.** *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87,  
amended

**13a.** Where a high school district is enlarged, the assets of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. Assets and  
liabilities  
where high  
school  
district  
enlarged

**4.** Section 25 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87,  
s. 25,  
re-enacted

**25.—(1)** Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments. Trustees  
where  
district  
enlarged

(2)

Where  
district  
decreased

- (2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee.

1954, c. 87,  
s. 29,  
amended

**5.** Section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Cost of  
borrowing  
advance to  
board before  
sale of  
debenture

- (10) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser.

1954, c. 87,  
s. 33, subs. 6,  
re-enacted

**6.**—(1) Subsection 6 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Request for  
arbitration

- (6) Subject to subsection 13, where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 89 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1950,  
c. 24

1954, c. 87,  
s. 33,  
subs. 13  
(1958, c. 98,  
s. 7),  
amended

(2) Subsection 13 of the said section 33, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is amended by striking out "one of the

municipalities"

municipalities" in the sixth line and inserting in lieu thereof "the portion of a municipality included in the high school district", so that the subsection shall read as follows:

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators.

(3) The said section 33, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1955* and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1958*, is further amended by adding thereto the following subsection:

- (14) For the purposes of this section, "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

7. Subsection 1 of section 52 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of *The Public Schools Act* with respect to the number of trustees and manner of election of trustees of public school boards in urban municipalities apply *mutatis mutandis*.

8. Subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

- (1) A member of a board of education appointed by a county council or a separate school board may vote on any motion except one that involves the public schools.

9. Section 56 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Vacancy  
in office  
of elected  
member

56. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality.

1954, c. 87,  
s. 58,  
re-enacted;  
s. 59,  
repealed

**10.** Sections 58 and 59 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

Number  
and election  
of elective  
members of  
board of  
education  
for one  
municipality  
R.S.O. 1950,  
c. 316

58. Sections 76, 77, 78 and 78a of *The Public Schools Act* apply *mutatis mutandis* to the elective members of a board of education that has jurisdiction in only one municipality.

1954, c. 87,  
s. 68, subs. 4,  
cls. a, b,  
re-enacted

**11.** Clauses *a* and *b* of subsection 4 of section 68 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor:

- (a) First, the total gross current expenditures shall be ascertained for the calendar year for,
- (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding fees paid or payable to another board and the cost of operation of evening courses of study,
  - (ii) permanent improvements for the schools, and
  - (iii) payments made or owing on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.
- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,
- (i) legislative grants, excluding grants on fees paid or payable to another board and on the operation of evening courses of study,
  - (ii) fees other than fees paid or payable by another board,
  - (iii) rents,
  - (iv) donations other than for permanent improvements, and
  - (v) other sources except taxation.



**12.** *The Secondary Schools and Boards of Education Act*, 1954, c. 87, amended  
1954 is amended by adding thereto the following section:

69a.—(1) A ward of a children's aid society who has completed the elementary school course shall be admitted without the payment of a fee to a secondary school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission of ward of children's aid society

(2) Where a child who has completed the elementary school course and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district for the current school year, the board of the district shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. Idem

(3) A child who has completed the elementary school course and whose mother, Admission of a child whose mother is the sole supporter, etc.

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a secondary school; and

(d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*, 1957, c. 11

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee.

**13.**—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commencement

(2) Section 12 comes into force on the 1st day of July, 1960. Idem

**14.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act*, 1960. Short title



## CHAPTER 109

# An Act to amend The Separate Schools Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 356, s. 20,  
amended

- (4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated. Name of  
board in  
a township  
school area

2. Section 21a of *The Separate Schools Act*, as enacted by section 1 of *The Separate Schools Amendment Act, 1957*, is amended by adding thereto the following subsections: R.S.O. 1950,  
c. 356, s. 21a  
(1957, c. 112,  
s. 1),  
amended

- (2) In this section,

(a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

Determi-  
nation of  
gross and  
net cost

(b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year.

- (3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed by Determina-  
tion as to  
whether or  
not person  
can profit  
by  
instruction

by

by the Minister for that purpose, and the decision of the committee is final.

Evidence  
as to right  
to attend

- (4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

Kinder-  
garten

- (5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior  
kinder-  
garten

- (6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kinder-  
garten  
fees

- (7) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Admission  
of ward of  
children's  
aid society

- (8) A child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board.

Idem

- (9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

Admission  
of child  
whose  
mother  
is sole  
supporter,  
etc.

- (10) Subject to subsection 1, a child whose mother,
- (a) resides in Ontario;
  - (b) is the sole support of the child;
  - (c) is not assessed as a supporter of a public or separate school in any school section; and

(d)

- (d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act, 1957*, 1957, c. 11

shall be admitted to the separate school without the payment of a fee.

- (11) Subject to subsection 1, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school that is closest to and within three miles of the residence without the payment of a fee.

- (12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year.

**3.—**(1) Subsection 1 of section 33 of *The Separate Schools Act* is repealed and the following substituted therefor:

- (1) The majority of the supporters of the separate schools under the jurisdiction of each of two or more separate school boards at public meetings duly called by each separate school board may form a union separate school of which union the trustees shall give notice within fifteen days to the Minister and where the schools are located in one or more municipalities to the clerk or clerks of the municipality or municipalities and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by five trustees to be elected by the supporters of the union separate school as provided by section 26.

(2) The said section 33 is amended by adding thereto the following subsections:

- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office



for two years and the two remaining trustees shall hold office for one year.

Equality  
of votes  
at first  
election

- (4) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 2 of section 26 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting.

Subsequent  
elections

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected.

R.S.O. 1950,  
c. 356, s. 39,  
subs. 1,  
amended

4. Subsection 1 of section 39 of *The Separate Schools Act* is amended by inserting after "annually" in the fourth line "or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon", so that the subsection shall read as follows:

Nominations

- (1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon or, if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting.

R.S.O. 1950,  
c. 356, s. 40,  
re-enacted

5. Section 40 of *The Separate Schools Act* is repealed and the following substituted therefor:

Adoption of  
ballot and  
manner of  
voting

40.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year,

- (a) provide for the election of trustees to be by ballot;
- (b) require the vote to be conducted in the same manner as municipal elections in the municipality in which the separate school is situated.

- (2) The board may in like manner discontinue the use of the ballot or the voting conducted in the manner of the municipal elections. Discontin-  
nuance
- (3) Where the board requires the voting to be by ballot or the vote to be conducted in the same manner as the municipal elections and elections are so held, no change shall be made in the mode of voting for a period of three years. Mode of  
voting not  
to be  
discontinued  
for three-  
year period
- (4) Where a resolution is passed under subsection 1 requiring the vote to be conducted in the same manner as municipal elections, Time and  
place, etc.,  
of election
- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as the municipal elections in the municipality in which the separate school is situated;
- (b) the meeting of the supporters of the urban separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;
- (c) the board shall advertise in each of its schools the place and time of the nomination meeting and the secretary of the board shall report the names of the nominees to the clerk of the municipality; and
- (d) the provisions of *The Municipal Act* with respect to elections except those with respect to the nomination of candidates apply *mutatis mutandis* except that the oath to be taken by a voter shall be in the form prescribed in clause a of section 41. R.S.O. 1950,  
c. 243

**6.**—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 2 comes into force on the 1st day of July, 1960. *Idem*

(3) Section 3 comes into force on the 1st day of December, 1960. *Idem*

**7.** This Act may be cited as *The Separate Schools Amendment Act, 1960*. Short title



## CHAPTER 110

**An Act to amend  
The Short Forms of Conveyances Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B to *The Short Forms of Conveyances Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 360,  
Sched. B,  
re-enacted

## SCHEDULE B

## COLUMN ONE

## COLUMN TWO

1. The said grantor covenants with the said grantee:

1. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors, covenant, promise and agree, with and to the said grantee, his heirs, executors, administrators, successors and assigns, in manner following, that is to say:

2. That he has the right to convey the said lands to the said grantee notwithstanding any act of the said grantor.

2. That for and notwithstanding any act, deed, matter or thing by the said grantor done, executed, committed, or knowingly or wilfully permitted or suffered to the contrary, he, the said grantor, now hath in himself good right, full power and absolute authority to convey the said lands, and other the premises hereby conveyed, or intended so to be, with their and every of their appurtenances, unto the said grantee, in manner aforesaid, and according to the true intent of these presents.

3. And that the said grantee shall have quiet possession of the said lands.

3. And that it shall be lawful for the said grantee, his heirs, executors, administrators, successors and assigns, from time to time and at all times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess and enjoy the said lands and premises hereby conveyed, or intended so to be, with their and every of their appurtenances; and to have, receive and take the rents, issues and profits thereof, and of every part thereof to and for his and their use and benefit, without any let, suit, trouble, denial, eviction, interruption, claim or demand whatsoever of, from or by him the said grantor, or his heirs or successors, or any person claiming or to claim, by, from, under or in trust for him, them or any of them.

## COLUMN ONE

## COLUMN TWO

4. Free from all encumbrances.

4. And that free and clear and freely and absolutely acquitted, exonerated and for ever discharged or otherwise by the said grantor or his heirs or successors well and sufficiently saved, kept harmless and indemnified of, from and against any and every former and other gift, grant, bargain, sale, jointure, dower, use, trust, entail, will, statute, recognizance, judgment, execution, extent, rent, annuity, forfeiture, re-entry, and any and every other estate, title, charge, trouble and encumbrance whatsoever, made, executed, occasioned or suffered by the said grantor or his heirs or successors, or by any person claiming, or to claim, by, from, under or in trust for him, them or any of them.

5. And the said grantor covenants with the said grantee that he will execute such further assurances of the said lands as may be requisite.

5. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors, covenant, promise, and agree with and to the said grantee, his heirs, executors, administrators, successors and assigns, that he the said grantor, his heirs, executors, administrators and successors, and all and every other person whosoever having or claiming, or who shall or may hereafter have or claim, any estate, right, title or interest whatsoever in, to, or out of the said lands and premises hereby conveyed, or intended so to be, or any of them, or any part thereof, by, from, under or in trust for him, them, or any of them, shall and will, from time to time, and at all times hereafter, upon every reasonable request, and at the costs and charges of the said grantee, his heirs, executors, administrators, successors or assigns, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, things, devices, conveyances and assurances in the law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said lands and premises hereby conveyed, or intended so to be, and every part thereof, with their appurtenances, unto the said grantee, his heirs, executors, administrators, successors and assigns, in manner aforesaid as by the said grantee, his heirs, executors, administrators, successors or assigns, his or their counsel in the law shall be reasonably devised, advised or required, so as no such further assurances contain or imply any further or other covenant or warranty than against the acts and deeds of the person who shall be required to make or execute the same, and his heirs, executors, administrators or successors only, and so as no person who shall be required to make or execute such assurances shall be compellable for the making or executing thereof, to go or travel from his usual place of abode.

6. And the said grantor covenants with the said grantee that he will produce the

6. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors covenant, promise and agree with and to the said grantee, his heirs, executors, administrators, successors and assigns, that the said grantor and his heirs and successors shall and will, unless prevented by fire or other inevitable accident.



## COLUMN ONE

## COLUMN TWO

title deeds enumerated hereunder, and allow copies to be made of them, at the expense of the said grantee.

from time to time, and at all times hereafter, at the request, costs and charges of the said grantee, his heirs, executors, administrators, successors or assigns, or his or their solicitor, agent or counsel, at any trial or hearing in any action or otherwise, as occasion shall require, produce all and every or any deed, instrument or writing hereunder written, for the manifestation, defence and support of the estate, title and possession of the said grantee, his heirs, executors, administrators, successors and assigns, in or to the said lands and premises hereby conveyed, or intended so to be, and at the like request, costs and charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other copies or abstracts of the same deeds, instruments and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds, by the said grantee, his heirs, executors, administrators, successors or assigns, or such person as he or they shall for that purpose direct and appoint.

7. And the said grantor covenants with the said grantee that he has done no act to encumber the said lands.

7. And the said grantor, for himself, his heirs, executors, administrators and successors doth hereby covenant, promise and agree, with and to the said grantee, his heirs, executors, administrators, successors and assigns, that he hath not at any time heretofore made, done, committed, executed, or wilfully or knowingly suffered any act, deed, matter or thing whatsoever, whereby or by means whereof the said lands and premises hereby conveyed, or intended so to be, or any part or parcel thereof are, is or shall or may be in anywise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.

8. And the said grantor releases to the said grantee all his claims upon the said lands.

8. And the said grantor hath released, remised and for ever quitted claim, and by these presents doth release, remise and for ever quit claim, unto the said grantee, his heirs, executors, administrators, successors and assigns, all, and all manner of right, title, interest, claim and demand whatsoever, in, to and out of the said lands and premises hereby granted, or intended so to be, and every part and parcel thereof, so as that neither he nor his heirs, executors, administrators, successors or assigns shall nor may, at any time hereafter, have claim, pretend to, challenge or demand the said lands and premises or any part thereof, in any manner howsoever, but the said grantee, his heirs, executors, administrators, successors and assigns, and the same lands and premises shall from henceforth forever hereafter be exonerated and discharged of and from all claims and demands whatsoever which the said grantor might or could have upon him in respect of the said lands, or upon the said lands.

## COLUMN ONE

## COLUMN TWO

9. And the said wife of the said grantor hereby bars her dower in the said lands.

9. And the said wife of the said grantor for and in consideration of the sum of one dollar of lawful money of Canada, to her in hand paid by the said grantee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said grantee, his heirs, executors, administrators, successors and assigns, all her dower and right and title which, in the event of her surviving her said husband, she might or would have to dower, in, to or out of the lands and premises hereby conveyed or intended so to be.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Short Forms of Conveyances Amendment Act, 1960*.

## CHAPTER 111

**An Act to amend  
The Short Forms of Leases Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 4 of section 2 of *The Short Forms of Leases Act* is amended by inserting after “lessor” in the third line “or the successors and assigns of the lessor, as the case may be” and by inserting after “administrators” in the sixth line “successors”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 361, s. 2,  
subs. 4,  
amended

(4) Where the premises demised are of freehold tenure, the covenants 2 to 9 shall be taken to be made with and the proviso 12 to apply to the heirs and assigns of the lessor or the successors and assigns of the lessor, as the case may be, and where the premises demised are of leasehold tenure such covenants and proviso shall be taken to be made with and apply to the lessor, his executors, administrators, successors and assigns.

Application  
of covenants  
to heirs, etc.

(2) Subsection 5 of the said section 2 is amended by inserting after “administrators” in the third, fifth and seventh lines “successors”.

R.S.O. 1950,  
c. 361, s. 2,  
subs. 5,  
amended

**2.** Section 4 of *The Short Forms of Leases Act* is amended by inserting after “administrators” in the fourth line “successors”.

R.S.O. 1950,  
c. 361,  
amended

**3.** The Form of Lease in Schedule A to *The Short Forms of Leases Act* is amended by inserting after “administrators” in the seventh and fourteenth lines “successors”.

R.S.O. 1950,  
c. 361,  
Sched. A,  
Form of  
Lease,  
amended

**4.** Paragraph 6 of Column Two of Schedule B to *The Short Forms of Leases Act* is amended by striking out “except for necessary repairs, or firewood, or for the purpose of clearance as herein set forth” in the fifth, sixth and seventh lines.

R.S.O. 1950,  
c. 361,  
Sched. B,  
Col. 2,  
par. 6,  
amended

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Short Forms of Leases Amendment Act, 1960*.

CHAPTER 112

An Act to amend  
The Short Forms of Mortgages Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B to *The Short Forms of Mortgages Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 362,  
Sched. B,  
re-enacted

SCHEDULE B

COLUMN ONE

COLUMN TWO

1. And the said wife of the said mortgagor hereby bars her dower in the said lands.

1. And the said wife of the said mortgagor for and in consideration of the sum of one dollar of lawful money of Canada, to her in hand paid by the said mortgagee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said mortgagee, his heirs, executors, administrators, successors and assigns, all her dower, and right and title which, in the event of her surviving her said husband, she might or would have to dower, in, to, or out of the lands and premises hereby conveyed or intended so to be.
2. Provided this mortgage to be void on payment of lawful money of Canada, with interest at per cent as follows: and taxes and performance of statute labour.

2. Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators, successors or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators, successors or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada with interest thereon at the rate of (*rate of interest*) per cent per annum on the day and time and in the manner following, that is to say (*terms of payment of principal and interest*), without any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators, successors or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators, successors or assigns



## COLUMN ONE

## COLUMN TWO

may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators, successors or assigns liable to pay to the mortgagee, his executors, administrators, successors or assigns any tax, rate or charge imposed upon the mortgagee, his heirs, executors, administrators, successors or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or mortgage money.

3. The said mortgagor covenants with the said mortgagee:

3. And the said mortgagor doth hereby, for himself, his heirs, executors, administrators and successors covenant, promise and agree to and with the said mortgagee, his heirs, executors, administrators, successors and assigns, in manner following, that is to say:

4. That the mortgagor will pay the mortgage money and interest, and observe the above proviso.

4. That the said mortgagor, his heirs, executors, administrators and successors or some or one of them shall and will well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators, successors or assigns, the said sum of money in the above proviso mentioned, with interest for the same as aforesaid, at the days and times and in the manner above limited for payment thereof, and shall and will in everything well, faithfully and truly do, observe, perform, fulfil and keep all and singular the provisions, agreements and stipulations in the said above proviso particularly set forth, according to the true intent and meaning of these presents, and of the said above proviso.

5. That the mortgagor has a good title in fee simple to the said lands.

5. And also, that the said mortgagor, at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described, with their and every of their appurtenances and of and in every part and parcel thereof without any manner of trusts, reservations, limitations, provisoes or conditions, except those contained in the original grant thereof from the Crown or any other matter or thing to alter, charge, change, encumber or defeat the same.

6. And that he has the right to convey the said lands to the said mortgagee.

6. And also, that the said mortgagor now hath in himself good right, full power and lawful and absolute authority to convey the said lands, tenements, hereditaments, and all and singular other the premises hereby conveyed or hereinbefore mentioned or intended so to be, with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators, successors and assigns, in manner aforesaid, and according to the true intent and meaning of these presents.

## COLUMN ONE

## COLUMN TWO

7. And that on default the mortgagee shall have quiet possession of the said lands.

8. Free from all encumbrances.

9. And that the said mortgagor will execute such further assurances of the said lands as may be requisite.

7. And also, that from and after default shall happen to be made of or in the payment of the said sum of money, in the said above proviso mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents, and of the said proviso, then, and in every such case, it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators, successors and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with their appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, executors, administrators, successors or assigns or any other person or persons whomsoever.

8. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, executions and recognizances, and of and from all manner of other charges or encumbrances whatsoever.

9. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said proviso mentioned, or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents and of the said proviso, then and in every such case the said mortgagor, his heirs, executors, administrators, successors and assigns and all and every other person or persons whosoever having, or lawfully claiming, or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with the appurtenances or any part thereof, by, from, under or in trust for him the said mortgagor, his heirs, executors, administrators, successors or assigns shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs, executors, administrators, successors and assigns, make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances, and assurances in the law for the further, better and more perfectly and absolutely conveying and assuring the said lands,

## COLUMN ONE

## COLUMN TWO

tenements, hereditaments and premises, with the appurtenances, unto the said mortgagee, his heirs, executors, administrators, successors and assigns, as by the said mortgagee, his heirs, executors, administrators, successors or assigns, or his or their counsel learned in the law shall or may be lawfully and reasonably devised, advised, or required, but so as no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

10. And that the said mortgagor will produce the title deeds enumerated hereunder, and allow copies to be made at the expense of the mortgagee.

10. And also, that the said mortgagor, his heirs, executors, administrators, successors and assigns shall and will, unless prevented by fire or inevitable accident, from time to time, and at all times hereafter, at the request and proper costs and charges in the law of the said mortgagee, his heirs, executors, administrators, successors or assigns at any trial or hearing in any action or otherwise as occasion shall require, produce all, every or any deed, instrument or writing hereunder written for the manifestation, defence and support of the estate, title and possession of the said mortgagee, his heirs, executors, administrators, successors and assigns, of, in, to or out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, and at the like request, costs and charges shall and will make and deliver, or cause or procure to be made and delivered, unto the said mortgagee, his heirs, executors, administrators, successors and assigns true and attested or other copies or abstracts of the same deeds, instruments and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds by the said mortgagee, his heirs, executors, administrators, successors and assigns.

11. And that the said mortgagor has done no act to encumber the said lands.

11. And also that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.

12. And that the said mortgagor will insure the buildings on the said lands to the amount of not less than  
of lawful money of Canada.

12. And also that the said mortgagor or his heirs, executors, administrators, successors or assigns shall and will forthwith insure unless already insured, and during the continuance of this security keep insured against loss or damage by fire, in such proportions upon each building as may be required by the said mortgagee, his heirs, executors, administrators, successors or assigns, the messuages and buildings erected on the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, in the sum of ..... of lawful

COLUMN ONE

COLUMN TWO

money of Canada, at the least, in some insurance office to be approved of by the said mortgagee, his heirs, executors, administrators, successors or assigns, and pay all premiums and sums of money necessary for such purpose, as the same shall become due, and will on demand assign, transfer and deliver over unto the said mortgagee, his heirs, executors, administrators, successors or assigns, the policy or policies of insurance, receipt or receipts thereto appertaining; and if the said mortgagee, his heirs, executors, administrators, successors or assigns, shall pay any premiums or sums of money for insurance of the said premises or any part thereof, the amount of such payment shall be added to the debt hereby secured, and shall bear interest at the same rate from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on the said debt.

13. And the said mortgagor doth release to the said mortgagee all his claims upon the said lands subject to the said proviso.

13. And the said mortgagor hath released, remised and for ever quitted claim, and by these presents doth release, remise, and for ever quit claim unto the said mortgagee, his heirs, executors, administrators, successors and assigns, all and all manner of right, title, interest, claim and demand whatsoever, of, unto and out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, and every part and parcel thereof, so as that neither the said mortgagor, his heirs, executors, administrators, successors or assigns, shall or may at any time hereafter have, claim, pretend to, challenge or demand the said lands, tenements, hereditaments and premises or any part thereof, in any manner howsoever, subject always to the said above proviso; but the said mortgagee, his heirs, executors, administrators, successors or assigns, and the said lands, tenements, hereditaments and premises, subject as aforesaid, shall from henceforth for ever hereafter be exonerated and discharged of and from all claims and demands whatsoever which the said mortgagor, his heirs, successors or assigns, might or could have upon the said mortgagee, his heirs, executors, administrators, successors or assigns, in respect of the said lands, tenements, hereditaments and premises, or upon the said lands, tenements, hereditaments and premises.

14. Provided, that the said mortgagee on default of payment for  
may on  
notice enter  
on and lease or sell  
the said lands.

14. Provided always, and it is hereby declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors, administrators, successors or assigns, shall make default in any payment of the said money or interest or any part of either of the same, according to the true intent and meaning of these presents, and of the proviso in that behalf hereinbefore contained, and . . . . . shall have thereafter elapsed without such payment being made (of which default, as also of the continuance of the said principal money and interest, or some part thereof, on this security, the production of these presents shall be conclusive evidence), it shall and may be lawful to and for the said mort-



## COLUMN ONE

## COLUMN TWO

gatee, his heirs, executors, administrators, successors or assigns, after giving written notice to the said mortgagor, his heirs, executors, administrators, successors or assigns, of his or their intention in that behalf, either personally or at his or their usual or last place of residence within this Province not less than . . . . . previous, without any further consent or concurrence of the said mortgagor, his heirs, executors, administrators, successors or assigns, to enter into possession of the said lands, tenements, hereditaments and premises hereby conveyed, or mentioned or intended so to be, and to receive and take the rents, issues and profits thereof, and whether in or out of possession of the same, to make any lease or leases thereof, or of any part thereof as he or they shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, or any part or parts thereof, with the appurtenances, by public auction or private contract, or partly by public auction and partly by private contract, as to him or them shall seem meet, and to convey and assure the same when so sold unto the purchaser or purchasers thereof, his or their heirs, successors or assigns, or as he or they shall direct and appoint and to execute and do all such assurances, acts, matters and things as may be found necessary for the purposes aforesaid, and the said mortgagee, his heirs, executors, administrators, successors or assigns shall not be responsible for any loss which may arise by reason of any such leasing or sale as aforesaid unless the same shall happen by reason of his or their wilful neglect or default; and it is hereby further agreed between the parties to these presents, that, until such sale or sales shall be made as aforesaid, the said mortgagee, his heirs, executors, administrators, successors or assigns shall and will stand and be possessed of and interested in the rents and profits of the said lands, tenements, hereditaments and premises, in case he or they shall take possession of the same on any default as aforesaid, and after such sale or sales shall stand and be possessed of and interested in the moneys to arise and be produced by such sale or sales, or which shall be received by the mortgagee, his heirs, executors, administrators, successors or assigns, by reason of any insurance upon the said premises or any part thereof, upon trust in the first place to pay and satisfy the costs and charges of preparing for and making sales, leases and conveyances as aforesaid, and all other costs and charges, damages and expenses which the said mortgagee, his heirs, executors, administrators, successors or assigns, shall bear, sustain, or be put to for taxes, rents, insurances and repairs, and all other costs and charges which may be incurred in and about the execution of any of the trusts in him or them hereby reposed, and in the next place to pay and satisfy the principal sum of money and interest hereby secured or mentioned or intended so to be or so much thereof as shall remain due and unsatisfied up to and inclusive of the day whereon the said principal sum shall be paid and satisfied; and after full payment and satisfaction of all such sums of money and interest as aforesaid upon



## COLUMN ONE

## COLUMN TWO

this further trust that the said mortgagee, his heirs, executors, administrators, successors or assigns, do and shall pay the surplus, if any, to the said mortgagor, his heirs, executors, administrators, successors or assigns, or as he or they shall direct and appoint, and shall also, in such event, at the request, costs and charges in the law of the said mortgagor, his heirs, executors, administrators, successors or assigns, convey and assure unto the said mortgagor, his heirs, executors, administrators, successors or assigns, or to such person or persons as he or they shall direct and appoint, all such parts of the said lands, tenements, hereditaments and premises as shall remain unsold for the purposes aforesaid, freed and absolutely discharged of and from all estate, lien, charge and encumbrance whatsoever by the said mortgagee, his heirs, executors, administrators, successors or assigns, in the meantime, but so as no person who shall be required to make or execute any such assurances, shall be compelled for the making thereof to go or travel from his usual place of abode: Provided always, and it is hereby further declared and agreed by and between the parties to these presents, that notwithstanding the power of sale and other the powers and provisions contained in these presents, the said mortgagee, his heirs, executors, administrators, successors or assigns, shall have and be entitled to his right of foreclosure of the equity of redemption of the said mortgagor, his heirs, executors, administrators, successors and assigns in the said lands, tenements, hereditaments and premises as fully and effectually as he or they might have exercised and enjoyed the same in case the power of sale, and the other former provisos and trusts incident thereto had not been herein contained.

15. Provided that the mortgagee may distrain for arrears of interest.

15. And it is further covenanted, declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors, administrators, successors or assigns, shall make default in payment of any part of the said interest at any of the days or times hereinbefore limited for the payment thereof, it shall and may be lawful for the said mortgagee, his heirs, executors, administrators, successors or assigns, to distrain therefor upon the said lands, tenements, hereditaments and premises, or any part thereof, and by distress warrant, to recover by way of rent reserved, as in the case of a demise, of the said lands, tenements, hereditaments and premises, so much of such interest as shall, from time to time, be, or remain in arrear and unpaid, together with all costs, charges and expenses attending such levy or distress, as in like cases of distress for rent.

16. Provided that in default of the payment of the interest hereby secured, the principal

16. Provided always, and it is hereby further expressly declared and agreed by and between the parties to these presents, that if any default shall at any time happen to be made of or in the payment of the interest money hereby secured or mentioned or intended so to be, or any part thereof, then and in such case the principal money hereby secured or mentioned, or intended so to be, and

## COLUMN ONE

## COLUMN TWO

hereby secured  
shall become pay-  
able.

every part thereof, shall forthwith become due and payable in like manner and with the like consequences and effects to all intents and purposes whatsoever, as if the time herein mentioned for payment of such principal money had fully come and expired, but that in such case the said mortgagor, his heirs, executors, administrators, successors or assigns, shall on payment of all arrears under these presents, with lawful costs and charges in that behalf, at any time before any judgment in the premises recovered or within such time as, by the practice of the Supreme Court, relief therein could be obtained be relieved from the consequences of non-payment of so much of the money secured by these presents, or mentioned, or intended so to be, as may not then have become payable by reason of lapse of time.

17. Provided  
that until default  
of payment the  
mortgagor shall  
have quiet posses-  
sion of the said  
lands.

17. And provided also, and it is hereby further expressly declared and agreed by and between the parties to these presents, that until default shall happen to be made of or in the payment of the said sum of money hereby secured or mentioned, or intended so to be, or the interest thereof, or any part of either of the same, or the doing, observing, performing, fulfilling or keeping some one or more of the provisions, agreements or stipulations herein set forth, contrary to the true intent and meaning of these presents, it shall and may be lawful to and for the said mortgagor, his heirs, executors, administrators, successors and assigns, peaceably and quietly to have, hold, use, occupy, possess and enjoy the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, with their and every of their appurtenances, and receive and take the rents, issues and profits thereof to his and their own use and benefit, without let, suit, hindrance, interruption, or denial of or by the said mortgagee, his heirs, executors, administrators, successors or assigns, or of or by any other person or persons whomsoever lawfully claiming, or who shall, or may lawfully claim by, from, under or in trust for him, her, them or any or either of them.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Short Forms of Mortgages Amendment Act, 1960*.

## CHAPTER 113

## An Act to amend The Statute Labour Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 14 of *The Statute Labour Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 372, s. 14, re-enacted

14. The notice calling the meeting (Form 1),

Notice of meeting

- (a) shall be posted up in at least six conspicuous places and at each post office and public school house in the township, townships or locality, as the case may be; or
- (b) shall be mailed by registered letter to all landholders in the township, townships or locality addressed to their last known place of residence; or
- (c) shall be published once a week for at least three weeks in a newspaper having general circulation in the township, townships or locality,

and the day named in the notice shall be at least ten days from the date of the last posting, mailing or publication, as the case may be.

**2.** Subsection 2 of section 26 of *The Statute Labour Act* is repealed. R.S.O. 1950, c. 372, s. 26, subs. 2, repealed

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Statute Labour Amendment Act, 1960*. Short title



# CHAPTER 114

## An Act to amend The Succession Duty Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause iii of clause *d* of section 1 of *The Succession Duty Act*, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1959*, is amended by inserting after "person" in the third line "and the deceased while married to such spouse shall be deemed to have stood *in loco parentis* to a legitimate child of such spouse and to a person adopted by such spouse", so that the subclause shall read as follows:

R.S.O. 1950,  
c. 378, s. 1,  
cl. *d* (1959,  
c. 95, s. 1),  
subcl. iii,  
amended

- (iii) person to whom the deceased or the spouse of the deceased stood *in loco parentis* during the infancy of such person and the deceased while married to such spouse shall be deemed to have stood *in loco parentis* to a legitimate child of such spouse and to a person adopted by such spouse, or

. . . . .

2. Clause *h* of subsection 1 of section 4 of *The Succession Duty Act* is repealed.

R.S.O. 1950,  
c. 378, s. 4,  
subs. 1, cl. *h*,  
repealed

3.—(1) Subsection 3 of section 9 of *The Succession Duty Act*, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1955*, is amended by striking out "to the person entitled thereto" in the fifth line and by striking out "\$500" in the sixth line and inserting in lieu thereof "\$1,500", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 378, s. 9,  
subs. 3  
(1955, c. 82  
s. 1),  
amended

- (3) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay an amount not exceeding \$1,500 of money on deposit standing to the credit of the deceased either alone or jointly with any person,

Payment  
money on  
deposit,  
where no  
consent  
necessary

without



without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased.

R.S.O. 1950,  
c. 378, s. 9,  
amended

(2) The said section 9, as amended by section 2 of *The Succession Duty Amendment Act, 1952*, section 1 of *The Succession Duty Amendment Act, 1955*, section 1 of *The Succession Duty Amendment Act, 1958* and section 3 of *The Succession Duty Amendment Act, 1959*, is further amended by adding thereto the following subsection:

Payment of  
money on  
account of  
outstanding  
wages,  
where no  
consent  
necessary

(3a) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any employer of the deceased may pay as or on account of salary, wages or other remuneration owed to the deceased, or on account of commissions for services rendered by the deceased, an amount not exceeding \$1,500 without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of such salary, wages, other remuneration or commissions.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Succession Duty Amendment Act, 1960*.

## CHAPTER 115

## An Act to amend The Summary Convictions Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 4 of *The Summary Convictions Act*, as amended by section 1 of *The Summary Convictions Amendment Act, 1958*, is further amended by inserting after "Act" in the second line "except subsections 1 and 2 of section 4, subsection 1 of section 6, section 20*b*, subsections 2 and 3 of section 25, section 27 and subsection 1 of section 110", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 379, s. 4,  
subs. 5,  
amended

(5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act*, except subsections 1 and 2 of section 4, subsection 1 of section 6, section 20*b*, subsections 2 and 3 of section 25, section 27 and subsection 1 of section 110, shall be served by sending it by prepaid post or by personal service within twenty-one days of the alleged violation.

Time for  
service for  
violation of  
R.S.O. 1950,  
c. 167

**2.** Subsection 2 of section 8 of *The Summary Convictions Act* is repealed.

R.S.O. 1950,  
c. 379, s. 8,  
subs. 2,  
repealed

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Summary Convictions Amendment Act, 1960*.

Short title



CHAPTER 116

An Act for granting to Her Majesty certain  
sums of money for the Public Service for  
the fiscal years ending the 31st day  
of March, 1960, and the 31st day  
of March, 1961

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble  
John Keiller Mackay, Lieutenant Governor of the  
Province of Ontario, and the estimates accompanying the  
same, that the sums mentioned in the schedules to this Act  
are required to defray certain expenses of the public service  
of this Province, not otherwise provided for, for the fiscal  
year ending the 31st day of March, 1960, and for the fiscal  
year ending the 31st day of March, 1961, and for other  
purposes connected with the public service; may it therefore  
please Your Majesty that it be enacted and it is hereby  
enacted by the Queen's Most Excellent Majesty, by and with  
the advice and consent of the Legislative Assembly of the  
Province of Ontario, as follows:

1. In addition to the sum of \$833,468,000 granted by *The Supply Act, 1959*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$8,238,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1959, to the 31st day of March, 1960, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based. \$8,238,000 granted for fiscal year 1959-60
2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$879,485,400 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1960, to the 31st day of March, 1961, as set \$879,485,400 granted for fiscal year 1960-61

forth

forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting  
for  
expenditure

**3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Supply Act, 1960*.



SCHEDULE A

Education Department.....	\$ 1,175,000
Health Department.....	6,063,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 8,238,000
	<hr/>

SCHEDULE B

Agriculture Department.....	\$ 16,640,000
Attorney-General's Department.....	21,987,000
Economics Department.....	400,000
Education Department.....	219,846,000
Energy Resources Department.....	612,000
Health Department.....	92,195,000
Highways Department.....	251,478,000
Insurance Department.....	415,000
Labour Department.....	14,090,000
Lands and Forests Department.....	24,365,000
Lieutenant-Governor's Office.....	21,000
Mines Department.....	3,200,000
Municipal Affairs Department.....	72,677,000
Planning and Development Department....	13,685,000
Prime Minister's Office.....	162,000
Provincial Auditor's Office.....	435,000
Provincial Secretary's Department.....	3,572,400
Public Welfare Department.....	60,736,000
Public Works Department.....	55,575,000
Reform Institutions Department.....	16,881,000
Transport Department.....	4,690,000
Travel and Publicity Department.....	1,940,000
Treasury Department.....	3,883,000
	<hr/>
	\$879,485,400
	<hr/>



## CHAPTER 117

**An Act to amend The Surrogate Courts Act**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Surrogate Courts Act*, as amended by <sup>R.S.O. 1950,</sup> section 1 of *The Surrogate Courts Amendment Act, 1957*, is <sup>c. 380, s. 4,</sup> amended further amended by striking out "town" in the second line and inserting in lieu thereof "court house or such other place in the county as the judge directs", so that the section shall read as follows:

4. The sittings of the court shall be held in the county <sup>Sittings</sup> court house or such other place in the county as the judge directs and shall be presided over by the judge or a junior judge thereof.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Surrogate Courts Amend-* <sup>Short title</sup>  
*ment Act, 1960.*



## CHAPTER 118

**An Act to amend The Surveys Act, 1958**

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 60 of *The Surveys Act, 1958* is repealed and the following substituted therefor: 1958, c. 107,  
s. 60,  
re-enacted

60. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them;
- (b) prescribing the kind and form of monuments used to identify points in surveys and prescribing how and where they are to be used and how they are to be designated on plans of survey;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Surveys Amendment Act, 1960*. Short title





CHAPTER 119

An Act to amend  
The Teachers' Superannuation Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Teachers' Superannuation Act* is amended by striking out "or" at the end of subclause vii and by adding thereto the following subclause:

R.S.O. 1950,  
c. 384, s. 1,  
cl. *d*,  
amended

(viiia) as an officer of an association or body of boards or of school trustees and ratepayers engaged in advancing the interests of education and designated by the regulations; or

. . . . .

2. Subsection 3 of section 5 of *The Teachers' Superannuation Act*, as re-enacted by section 2 of *The Teachers' Superannuation Amendment Act, 1959*, is amended by striking out "1957" in the third line and inserting in lieu thereof "1958", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 384, s. 5,  
subs. 3  
(1959, c. 99,  
s. 2),  
amended

(3) The actuary of the Commission shall make an actuarial valuation of the fund as of the 31st day of December, 1958, and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the fund at any time.

Actuarial  
valuation

3. *The Teachers' Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 384,  
amended

31a. Where a person referred to in subclause ii of clause *a* or subclause ii of clause *b* of subsection 1 of section 31 was receiving a disability allowance under section 29 at the time of his death and provision was made for a special medical re-examination and no decision

Recomputa-  
tion of "CE",  
to "C",  
pension  
for  
purposes  
of "D",  
pension

was made by the Commission on such re-examination, the Commission may, if it is of the opinion, having regard to the facts established at the time of his death, that the person should have been receiving a disability allowance under section 28, recompute his allowance under section 28 as of the date of his death for the purposes of a dependant's allowance under section 31.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 57 of *The Teachers' Superannuation Act* is amended by adding thereto the following clause:

(bb) designating associations or bodies of boards or of school trustees and ratepayers within the meaning of subclause viia of clause *d* of section 1.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1, cl. *o*  
(1953, c. 103,  
s. 26,  
subs. 1),  
subcl. v,  
re-enacted

(2) Subclause *v* of clause *o* of subsection 1 of the said section 57, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

(v) in order to take a course of study approved by the Commission.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
cl. *o*  
(1953, c. 103,  
s. 26,  
subs. 1),  
amended

(3) Clause *o* of subsection 1 of the said section 57, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953* and amended by subsection 2 of section 4 of *The Teachers' Superannuation Amendment Act, 1959*, is further amended by adding "or" at the end of subclause *vi* and by adding thereto the following subclause:

(vii) in order to travel, where the purpose of the travel is approved by the Commission.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

(4) Subsection 1 of the said section 57 is amended by adding thereto the following clause:

(oo) governing persons who ceased to be employed,

(i) because of ill-health,

(ii) because of pregnancy,

(iii) because of duties as members of the Legislative Assembly of Ontario or the House of Commons of Canada,

(iv)

(iv) in order to take a course of study approved by the Commission, or

(v) in order to travel, where the purpose of the travel is approved by the Commission,

and who are again employed and providing for and regulating the payment of contributions to the fund in respect of such periods of unemployment.

(5) Any regulation made under the authority of clause *bb* <sup>Regulation may be retroactive</sup> of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as enacted by subsection 1, may be made effective from the 1st day of September, 1959.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**6.** This Act may be cited as *The Teachers' Superannuation* <sup>Short title</sup> *Amendment Act, 1960.*



## CHAPTER 120

**The Telephone Act, 1960**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "Commission" means the Ontario Telephone Service Commission;
- (c) "commissioners" means the persons elected by the subscribers of a municipal telephone system for the control and management of the system;
- (d) "initiating municipality" means a municipality that has established a municipal telephone system under this Act or a predecessor of this Act;
- (e) "municipal telephone system" means a telephone system, other than a public utility, established by by-law of a municipality under a predecessor of this Act;
- (f) "plant" means the buildings, works, apparatus and equipment, including vehicles, used in the operation of a telephone system;
- (g) "rate" means any rental or charge for supplying telephone exchange service and all services associated therewith;
- (h) "regulations" means the regulations made under this Act;
- (i) "subscriber", in respect of a municipal telephone system, means a landowner who has signed a petition to the council of a municipality praying for the establishment or extension of a telephone system that is afterwards established or extended pursuant



to the petition or upon whose property an annual rate is or may be levied and collected for the purpose of paying the cost of establishing and maintaining the system or the extension or any reconstruction, replacement or alteration of the system or any part thereof, and also means a person who, being a subscriber as defined above, has fully paid all annual rates in respect of the establishment of the system or of its extension and the cost of maintenance during the period for which debentures have been issued to pay the cost of the establishment or extension and who continues thereafter to take telephone service from the system on the basis of paying such charges therefor as are approved;

(j) "toll" means any charge, other than a rate, for the transmission of telephone messages. 1954, c. 94, s. 1, *amended*.

Telephone  
Service  
Commission

**2.**—(1) The body corporate known as the "Ontario Telephone Authority" is continued and shall be known as the "Ontario Telephone Service Commission". 1954, c. 94, s. 91 (1), *part, amended*.

Membership

(2) The Commission shall consist of three or more members appointed by the Lieutenant Governor in Council. 1954, c. 94, s. 91 (1, 2), *part, amended*.

Chairman  
and vice-  
chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one of them as vice-chairman. 1954, c. 94, s. 91 (2), *part, amended*.

Remunera-  
tion

(4) The members shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. 1958, c. 110, s. 1.

Quorum

(5) A majority of the members constitutes a quorum. 1954, c. 94, s. 93; 1958, c. 110, s. 2, *amended*.

When vice-  
chairman  
may act

**3.**—(1) In the absence of the chairman or in the case of his inability to act or if there is a vacancy in the office, the vice-chairman may act as and has all the powers of the chairman, including the power to complete any unfinished matter.

Presumption  
where vice-  
chairman  
has acted

(2) Where the vice-chairman has acted in place of the chairman, it shall be presumed conclusively that he so acted in the absence or disability or vacancy in the office of the chairman. 1954, c. 94, s. 94.

Staff

**4.** The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and employees as may be necessary for the conduct of the affairs of the Commission. 1958, c. 110, s. 3, *amended*.

**5.** The moneys required for the purposes of the Commission shall be paid out of the moneys appropriated therefor by the Legislature. 1957, c. 123, s. 4, *amended*. Adminis-  
tration costs

**6.—(1)** The Commission has jurisdiction and power to hear and determine all applications made, proceedings instituted and matters brought before it under this Act and, for such purposes, to make such orders, rules and regulations, to give such directions, to issue such certificates and otherwise to do and perform all acts, matters, deeds and things as it deems necessary. Jurisdiction  
of  
Commission

**(2)** In the exercise of its powers under subsection 1, the Commission has all the powers that may be conferred upon a Commissioner under *The Public Inquiries Act*. Powers of  
investiga-  
tion  
R.S.O. 1950,  
c. 308

**(3)** Every person summoned to attend before the Commission shall, in the discretion of the Commission, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. 1954, c. 94, s. 97, *amended*. Witness  
fees

**7.** The chairman may authorize any one of the members of the Commission to report to the Commission upon any question or matter arising in connection with the business of the Commission and, when so authorized, such member has all the powers of the Commission for the purpose of taking evidence and acquiring information for the purposes of the report and, upon the report being made to the Commission, it may be adopted as the order of the Commission or otherwise dealt with as the Commission deems proper. 1954, c. 94, s. 98, *amended*. Reference  
to a  
member

**8.** All orders and other documents made or issued by the Commission are effective if signed by the chairman or vice-chairman. 1954, c. 94, s. 99, *amended*. Signing of  
orders, etc.

**9.—(1)** The Commission shall sit at such times and places as the chairman from time to time designates and shall conduct its proceedings in such manner as seems to it most convenient for the speedy and effectual dispatch of its duties. Sittings

**(2)** The sittings of the Commission may be either private or open to the public, but any complaint made to the Commission shall, upon the application of any party thereto, be heard publicly. Idem

**(3)** Where the sittings of the Commission are appointed to be held in a municipality in which a court house is situate, the Commission and its members have in all respects the same Use of  
court house

rights as a judge of the Supreme Court in respect of the use of the court house, or any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

Use of  
town hall

(4) Where the sittings of the Commission are appointed to be held in a municipality in which there is a municipal hall but no court house, the municipality shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for the purpose. 1954, c. 94, s. 100, *amended*.

Variation of  
orders, etc.

**10.** The Commission may rehear any application and may review, amend or revoke its decisions, orders, directions, consents or approvals and may within its jurisdiction review, amend or revoke the decisions, orders, directions, rules or approvals made by the Commission or any predecessor of the Commission. 1954, c. 94, 102, *amended*.

Determina-  
tion of  
disputes

**11.** The Commission has exclusive jurisdiction to hear and determine any differences that arise between two or more telephone systems or municipalities in respect of the establishment, extension, operation or maintenance of a telephone system or in respect of any act, matter or thing required to be done by them or any of them under this Act, and to make such orders in respect thereof as it deems proper. 1954, c. 94, s. 103, *amended*.

Inquiry as  
to whether  
rates  
sufficient

**12.** The Commission may from time to time inquire whether the rates and tolls charged for the service rendered by a telephone system, other than a municipal telephone system, are sufficient to pay the funded debt and interest accruing thereon and the cost of operation and maintenance and a reasonable return on capital investment, or whether greater rates are charged than are sufficient for such purposes, and the Commission may order such revision or adjustment of the rates or tolls as it deems proper. 1954, c. 94, s. 104, *amended*.

Examina-  
tion of and  
report upon  
telephone  
system

**13.—(1)** The Commission, whenever it appears to be expedient or necessary for the purpose of carrying into effect any of the provisions of this Act or upon any application, complaint or dispute before the Commission or in connection with any matter or thing over which the Commission has jurisdiction, may direct any person to examine and report upon the construction, operation or management of a telephone system, and for that purpose such person may at all reasonable hours enter any building, office or other premises belonging to or connected with the system and examine all books,

accounts,

accounts, tariffs, rates, balance sheets and other papers, records and documents relating to the system and examine the switchboards, instruments, toll stations and all other property that belongs to or forms a part of the system.

(2) The person directed to make such examination and report has and may exercise any of the powers set out in section 55 of *The Ontario Municipal Board Act*. Powers of examiner  
R.S.O. 1950  
c. 262

(3) Upon receiving the report of the person directed to make examination and report, the Commission may adopt the report in whole or in part and may thereupon make such order in respect of the subject-matter of the report as it deems proper. 1954, c. 94, s. 105, *amended*. Implement-  
ation of  
report of  
examiner

**14.** The Commission may inquire into, hear and determine an application by or on behalf of any person, Powers of  
Commission  
to hear  
complaints

(a) complaining that a telephone system has failed to do any act, matter or thing required to be done by it under this Act or the regulations or under a predecessor of this Act or that a system has done or is doing anything contrary to this Act or the regulations;

(b) complaining that a system is charging rates or tolls in excess of those approved by the Commission;

(c) requesting the Commission to make any order or give any direction or approval that by law it is authorized to make or give. 1954, c. 94, s. 106, *amended*.

**15.** The Commission of its own motion may order any person, system or municipality to do forthwith or within any specified time and in the manner directed by the Commission anything that any person, system or municipality is or may be required to do under this Act or the regulations, and the Commission may, by its order, forbid the doing or continuing of anything that is in contravention of this Act or the regulations. 1954, c. 94, s. 107, *amended*. Powers of  
Commission  
exercisable  
on its own  
motion

**16.** The Commission may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under and in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form so approved is not open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto. 1954, c. 94, s. 108, *amended*. Commission  
may  
approve of  
forms, etc.



Stated case

**17.**—(1) The Commission may, of its own motion or upon the application of any party to proceedings before the Commission and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Commission, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Commission with the opinion of the court thereon. 1954, c. 94, s. 109, *amended*.

Rescission  
of orders  
by  
Lieutenant  
Governor  
in Council

**18.** The Lieutenant Governor in Council may at any time upon petition of any party, all parties first having been heard, vary or rescind any order or decision of the Commission whether the order or decision was made *inter partes* or otherwise, and any order that the Lieutenant Governor in Council makes with respect thereto is binding upon the Commission and all parties. 1954, c. 94, s. 110, *amended*.

Appeals of  
question of  
jurisdiction  
and law

**19.**—(1) An appeal lies from the Commission to the Court of Appeal upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the court within one month of the making of the order or decision sought to be appealed from or within such further time as the court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

Notice of  
appeal

(2) Upon such leave being obtained, the Registrar of the Court of Appeal shall set the appeal down for hearing at the next sittings of the court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Commission, and to the Commission notice in writing that the case has been so set down and the appeal shall be heard and disposed of by the court as speedily as practicable.

Opinion  
of court

(3) On the hearing of an appeal under this section, the court may draw such inferences as are not inconsistent with the facts expressly found by the Commission and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Commission and the Commission shall make an order in accordance with such opinion.

Commission  
may be  
heard

(4) The Commission is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Costs, rules  
of practice

(5) The Court of Appeal may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, and until

such

such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

(6) The Commission or any member thereof is not liable <sup>Commission not liable for costs</sup> for costs in connection with any appeal or application for leave to appeal under this section. 1954, c. 94, s. 111, *amended*.

**20.** Except as provided in sections 18 and 19, every order <sup>Orders of Commission final and binding</sup> and decision of the Commission is final and binding. 1954, c. 94, s. 112, *amended*.

**21.** An order of the Commission may be general or par- <sup>Orders may be general or particular</sup> ticular in its application territorially or as to time or otherwise. 1954, c. 94, s. 113, *amended*.

**22.** *The Regulations Act* does not apply to any order, <sup>R.S.O. 1950, c. 337, not to apply</sup> regulation or by-law made under the authority of this Act. 1954, c. 94, s. 114, *amended*.

**23.** The costs of and incidental to any proceedings before <sup>Costs of proceedings before Commission</sup> the Commission are in the discretion of the Commission, and the Commission may order by whom and to whom any costs are to be paid. 1954, c. 94, s. 115, *amended*.

**24.**—(1) The Commission shall, after the close of each <sup>Annual report</sup> calendar year, make an annual report upon the affairs of the Commission to the member of the Executive Council to whom the administration of this Act is assigned, who shall file it with the Provincial Secretary. 1954, c. 94, s. 116 (1); 1955, c. 88, s. 6, *amended*.

(2) The Provincial Secretary shall submit the report to <sup>Idem</sup> the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1954, c. 94, s. 116 (2).

**25.** Nothing in this Act confers upon the Commission <sup>Act not to, affect H.E.P.C. R.S.O. 1950 c. 281</sup> any jurisdiction as to matters that are under *The Power Commission Act* or that otherwise are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. 1954, c. 94, s. 117, *amended*.

**26.** The Commission, subject to the approval of the <sup>Regulations</sup> Lieutenant Governor in Council, may make regulations,

(a) to regulate and control the business practices and accounting practices of telephone systems;

(b)



- (b) prescribing the forms of accounts, books of accounts and records to be kept by telephone systems;
- (c) to regulate and control the type of construction of plants of telephone systems;
- (d) to regulate and control the maintenance and operating practices of telephone systems;
- (e) prescribing rules of practice and procedure applicable to proceedings before the Commission;
- (f) prescribing fees applicable to proceedings before the Commission and for certified copies of orders and other documents made or issued by the Commission;
- (g) prescribing the form of and the particulars to be contained in tariffs of rates and tolls and the manner and form in which tariffs of rates and tolls shall be published and kept open for public inspection;
- (h) prescribing the form and the particulars to be contained in the annual returns to be made by telephone systems to the Commission;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 94, s. 118, *amended*.

Establishment and operation of telephone system as public utility

**27.** Any municipality may establish and carry on a telephone system as a public utility and for the purposes of such system may construct, maintain and operate in, over, under, upon or across the highways, lanes, parks, squares and other public ways, passages and places in the municipality, or in, over, under, upon or across the land of any person therein, an underground or overhead or partly underground and partly overhead telephone plant and do all things necessary or convenient for the purpose including the issue of debentures to meet the cost of the same. 1954, c. 94, s. 2.

Acquisition of existing systems

**28.** A municipality may, for the purpose of establishing or carrying on a telephone system as a public utility, acquire by purchase or lease or, subject to sections 35 to 86 in that behalf, may expropriate any system in the municipality. 1954, c. 94, s. 3, *amended*.

Debentures of acquired system to be paid by municipality

**29.** Where a municipal telephone system is acquired by a municipality under section 28, any debentures theretofore issued in respect of the municipal telephone system and then outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them and the debentures

as they mature and fall due and the interest upon them become a first charge against the revenues of the system, and, if such revenues are insufficient in any one or more years, they shall be met and paid by a special rate to be imposed by the municipality upon all rateable property in the municipality. 1954, c. 94, s. 4, *amended*.

**30.** No by-law authorizing the issue of debentures and no by-law authorizing the assumption of any outstanding debentures issued in respect of a municipal telephone system may be passed by the council of a municipality in the exercise of the powers conferred by section 27, 28 or 29 until the approval of the Board has been first obtained and such a by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*. 1954, c. 94, s. 5, *amended*.

Debentures,  
assent of  
electors

R.S.O. 1950,  
c. 243

**31.** Where parts of a building in a municipality are owned or occupied by different persons, the municipality may carry wires to any part of such building, and for that purpose may pass over or through or under the property belonging to any owner or in the possession of any tenant or occupant. 1954, c. 94, s. 6.

Right of  
passage

**32.** Parts III and IV of *The Public Utilities Act* apply *mutatis mutandis* to a municipality establishing and carrying on a telephone system as a public utility, and the expression "public utility", where it occurs in those Parts, includes a telephone system. 1954, c. 94, s. 7.

Parts III  
and IV of  
R.S.O. 1950,  
c. 320, to  
apply

**33.**—(1) Where a municipality has heretofore constructed, purchased or acquired or hereafter constructs, purchases or acquires a telephone system under section 27 or 28 or where it has undertaken the construction, purchase or acquisition of such a system and it appears that the cost of the construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose or where it is deemed expedient by the council of the municipality to construct an extension or an improvement of the system, the council may, with the approval of the Board, pass a by-law for borrowing such further or other sums as may be necessary to complete, extend or improve the system or for the purchase or acquisition of the system or to meet the cost of any extension or improvement already made to the system.

Borrowing  
money for  
extension or  
acquisition

(2) The by-law does not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Board.

Where  
assent of  
electors not  
required

Where  
approval  
may be  
given

(3) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for any such extension or improvement or for the completion of the system or the purchase or acquisition is necessary and that sufficient revenue or sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon or where it is made to appear to the Board that the net revenue to be derived from the system justifies the construction of such extension or improvement. 1954, c. 94, s. 8, *amended*.

Application  
of other  
provisions

**34.** Sections 42 to 44, sections 53 to 56, section 62, sections 80 to 84, section 86, sections 89 to 99 and sections 102 to 115 apply *mutatis mutandis* to a municipality carrying on a telephone system as a public utility. 1954, c. 94, s. 9, *amended*.

Petition for  
establish-  
ment of  
system

**35.** A petition signed by not less than ten assessed land owners may be presented to the council of a local municipality praying for the establishment of a municipal telephone system. 1954, c. 94, s. 10, *amended*.

Petition  
for  
extension  
of system

**36.** A petition signed by one or more assessed landowners may be presented to the council of a local municipality or the commissioners, as the case may be, in which a municipal telephone system has been established praying for an extension of the system so as to serve his or their premises, as the case may be. 1954, c. 94, s. 11, *amended*.

Particulars  
to be stated  
in petition  
and removal  
of names

**37.** A petition under section 35 or 36 shall set forth such particulars as the Commission requires, and a signature after being affixed to the petition shall not be removed therefrom except with the approval of the Commission, but no application for such approval shall be considered by the Commission after the lapse of six months from the date of the passing of the by-law for the establishment of the municipal telephone system or, in the case of a petition for an extension to the system, after the lapse of six months from the date upon which the signature was affixed to the petition. 1954, c. 94, s. 12, *amended*.

Adding  
signatures  
to petition

**38.** Where the petition for the establishment or extension of a municipal telephone system prays that debentures of the initiating municipality be issued to pay the cost of the work, any additional landowner may, with the permission of the council or the commissioners, as the case may be, at any time before the passage of the debenture by-law, affix his signature to the petition, and thereupon and thereafter the additional landowner has all the rights and is subject to all the obligations of the original signatories to the petition. 1954, c. 94, s. 13, *amended*.

**39.** The petition constitutes a valid and binding contract Petition to constitute contract on the part of each person signing it to repay to the initiating municipality his share of the cost of establishing or extending the municipal telephone system, as the case may be, and operating and maintaining the system. 1954, c. 94, s. 14, *amended*.

**40.** Upon the receipt of a petition praying for the establishment of a municipal telephone system, the council of the initiating municipality may by by-law, at the expense of the subscribers and subject to such conditions as may be set forth in the by-law, provide for the establishment of the system and for the maintenance and operation of the system. 1954, c. 94, s. 15, *amended*. By-law for establishment of system

**41.** After the establishment of a municipal telephone system, the initiating municipality may from time to time, upon the receipt of a petition praying for an extension of the system, construct any extension that seems expedient and necessary in order to supply telephone service to the petitioners. 1954, c. 94, s. 16, *amended*. Construction of extensions

**42.** The council of the initiating municipality or the commissioners, as the case may be, may from time to time extend the system into another municipality with the consent of the council of such other municipality or, without such consent, with the approval of the Commission. 1954, c. 94, s. 17, *amended*. Extension of system to another municipality

**43.** Subject to section 101, the council of the initiating municipality or the commissioners, as the case may be, may, with the consent of the Commission, extend the system into territory without municipal organization, and the part of such territory into which the system is extended, to be defined by the Commission, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the council and officers thereof shall levy and collect all rates and tolls under this Act and do all acts and perform all duties and are subject to the same liabilities in respect of such part as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality. 1954, c. 94, s. 18, *amended*. Extension of system into un-organized territory

**44.—**(1) The initiating municipality, before proceeding to establish a system, shall furnish to the Commission a certified copy of the by-law providing for the establishment of the system, together with such plans, particulars of the cost of the work and such other information as the Commission requires, and no debt shall be incurred for the construction Approval of by-laws, plans and specifications



of the system or for the purchase of material to be used in the construction of its plant until the Board with the consent of the Commission has approved the by-law.

**Extensions**

(2) The by-laws may provide in general terms for the making of extensions to the system from time to time thereafter and, upon the receipt of a petition for an extension, the initiating municipality may from time to time construct the extension, and, if any such extension requires the issue of debentures, the by-law authorizing the issue shall recite the making of the extension and shall adopt and confirm the same. 1954, c. 94, s. 19, *amended*.

**Location of exchange**

**45.** The council of the initiating municipality or the commissioners, as the case may be, shall, with the approval of the Commission, determine the location of any exchange or switchboard of the system and any relocation of the same. 1954, c. 94, s. 20, *amended*

**Ownership of system**

**46.** A municipal telephone system established or extended is vested in the initiating municipality in trust for the benefit of the subscribers, and such municipality is liable for all the obligations of the system and has and may exercise all or any of the powers conferred on a municipality by sections 27, 28 and 31. 1954, c. 94, s. 21, *amended*.

**Sale of system or part**

**47.—**(1) Subject to the approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and subject to the approval of the Commission, the council of an initiating municipality in which a municipal telephone system is vested may by by-law provide for the sale or other disposition of the whole or any part of the system. 1954, c. 94, s. 22 (1), *amended*.

**Approval not required**

(2) The Commission may by order dispense with the approval of the subscribers to the sale or other disposition of part of a system that, in the opinion of the Commission, is not a substantial part of the system. *New*.

**Use of proceeds to discharge debts**

(3) The proceeds of the sale or other disposition shall be applied and used in payment of the outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system.

**Where deficiency occurs**

(4) Where the assets of the system and the proceeds of the sale or other disposition of the whole or the part of the system are not sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system, the deficiency shall be paid out of the general

funds of the initiating municipality and the amount so paid constitutes a debt due in equal shares from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by the subscribers under this Act. 1954, c. 94, s. 22 (2, 3).

(5) The proceeds of the sale or other disposition not required <sup>Disposition of surplus</sup> for the purposes mentioned in subsection 3 shall,

- (a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and
- (b) in the case of a sale or other disposition of the whole of the system, belong to the subscribers and be distributed among them in such manner and on such basis, having regard to their separate interests, as the Commission directs. 1954, c. 94, s. 22 (4), *amended*.

(6) Where from absence or loss of records or other cause <sup>Where subscribers are unknown</sup> the council of the initiating municipality is unable to ascertain who the subscribers are and is therefore unable to obtain their approval to a sale or other disposition of the whole or a part of the system, the council, with the approval of the Commission upon proof of the fact and upon proof that the assets of the system and the proceeds of the sale or other disposition of the whole or part of the system will be sufficient to meet any outstanding debenture debt and other indebtedness and liabilities incurred in respect of the system, may authorize the sale or other disposition notwithstanding the absence of such approval, and the proceeds of the sale or other disposition not required for the purposes mentioned in subsection 2 shall,

- (a) in the case of a sale or other disposition of part only of the system, belong to the system and be applied and used according to the directions of the council of the municipality or the commissioners, as the case may be; and
- (b) in the case of a sale or other disposition of the whole of the system, be held, applied, used, distributed and disposed of in accordance with the directions of the council or the commissioners, as the case may be, and the approval of the Commission. 1954, c. 94, s. 22 (5), *amended*.



Issuing  
debentures  
for cost  
of work

**48.**—(1) Where the subscribers or a majority of them, in a petition for the establishment or extension of the system, pray that the payment of the cost of the work be extended over a period not exceeding twenty years and that debentures of the initiating municipality be issued to pay the cost of the work, the council of the initiating municipality in the by-law providing for the establishment or extension of the system, or in a subsequent by-law, may provide for the issue of debentures payable within a period not exceeding twenty years from the date of the issue thereof and that the proceeds of the debentures shall be applied in payment of the cost of establishing or extending the system, as the case may be, and for levying a special rate upon the property of the subscribers sufficient to discharge the debt so incurred in equal annual instalments of principal and interest.

Assent of  
electors not  
required

(2) The debentures shall be issued on the credit of the initiating municipality, and it is not necessary that the by-law authorizing their issue be submitted for the assent of the electors, but no such by-law shall be passed for any of the purposes of this section until the approval of the Board has first been obtained. 1954, c. 94, s. 23.

Agreement  
for  
advances

**49.** The initiating municipality may, subject to subsection 1 of section 44 and subsection 2 of section 48, agree with any person for temporary advances to meet the cost of the work until the completion thereof and may then pass the necessary by-law authorizing the issue of debentures out of the proceeds of which the temporary advances shall be paid, but the by-law for the issue of debentures shall be passed not later than two years after the passing of the by-law for the establishment or extension of the system, as the case may be, and the debentures shall be issued within twelve months after the passing of the by-law authorizing the issue of the debentures, but the Board may extend beyond two years the period within which the by-law for the issuing of debentures may be passed and may extend beyond twelve months the period within which the debentures may be issued, and such extension of time may be granted although the application therefor is not made until after the expiration of such period of two years or twelve months, and in such case the by-law may be passed or the debentures issued within the extended time. 1954, c. 94, s. 24, *amended*.

Reconstruction,  
replacement or  
alteration  
of system

**50.**—(1) Where in the opinion of the council of the initiating municipality or the commissioners, as the case may be, it is necessary or expedient to reconstruct, replace or alter the system or any part thereof and to issue debentures of the initiating municipality to meet the cost thereof, the council of the initiating municipality may, with the prior approval

of a majority of the subscribers at a regular meeting called for the purpose and the prior approval of the Board, pass a by-law authorizing the doing of the work and the issuing of debentures for that purpose, and it is not necessary that the by-law be submitted for the assent of the electors. 1954, c. 94, s. 25 (1), *amended*.

(2) The Board shall determine the period within which the debentures to be issued shall be made payable and the landowners who shall defray the cost of such reconstruction, replacement or alteration, and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

(3) The provisions of this Act as to debentures apply to debentures issued under this section. 1954, c. 94, s. 25 (2, 3).

**51.** The initiating municipality may, with the approval of the subscribers and with the prior approval of the Board and without obtaining the assent of the electors, pass by-laws authorizing the issue of debentures to meet the cost of making an extension or extensions to the system for the purpose of furnishing telephone service to persons who are not landowners but, before approving of any such by-law, the Board shall be satisfied that such extension or extensions is or are necessary and that a sufficient additional revenue will be derived therefrom to meet the annual payments of principal and interest in respect of the debt created by the issue of such debentures or that the net revenue derived from the system justifies the construction of such extension or extensions. 1954, c. 94, s. 26, *amended*.

**52.** Where an initiating municipality has been ordered by the Board or is ordered by the Commission to construct works under this Act, such works shall be deemed to be an extension of the system of such municipality and the council of the initiating municipality has and may exercise in respect of such works the like powers as are vested in the council by this Act in respect of the construction of an extension of a system and the issue of debentures to meet the cost thereof, and such powers may be exercised without a petition from the subscribers to the system or any of them. 1954, c. 94, s. 27, *amended*.

**53.** An initiating municipality may, with the consent of the Commission and the approval of the Board, by agreement with the owner acquire by purchase all or any part of any existing telephone system in the municipality or any part of such system in another municipality with the consent of

the council of such other municipality and, failing such consent, with the approval of the Commission. 1954, c. 94, s. 28, *amended*.

Acquisition  
of system  
by agree-  
ment or  
expropria-  
tion

**54.**—(1) For the establishment or extension of a telephone system or to avoid duplication of systems or any part thereof, an initiating municipality may offer to purchase at a fixed price a telephone system or any part thereof, and, if the owner does not accept the price so offered within one month from the date of the offer, the initiating municipality may, with the consent of the Commission and the approval of the Board, expropriate the system or the part thereof that it offered to purchase and the compensation to be made upon such expropriation shall be determined by the Commission.

Damage  
resulting  
from  
severance

(2) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance. 1954, c. 94, s. 29, *amended*.

Arbitration  
by Commis-  
sion where  
parties fail  
to agree

**55.** Where a municipality owning and operating or intending to own and operate a telephone system has taken proceedings under this Act to acquire a part of the system of a municipality operating in the first-named municipality or in an adjoining municipality and the parties are unable to agree upon the price to be paid therefor, the Commission may prohibit further proceedings or may approve the acquisition and settle the terms and conditions thereof including the price to be paid and all other matters proper to be taken into consideration. 1954, c. 94, s. 30, *amended*.

Powers of  
council to  
borrow  
money and  
to issue  
debentures

**56.** Where the council of an initiating municipality acquires by purchase or expropriation an existing telephone system or part thereof, the powers vested by this Act in the council of the initiating municipality as to borrowing by way of temporary advances and in respect of the issue of debentures for the establishment or extension of a system may be exercised by the council of the initiating municipality for the purpose of defraying the cost of such purchase. 1954, c. 94, s. 31.

Liability  
of  
subscribers

**57.** The cost of establishing a municipal telephone system or of an extension thereto shall be defrayed by the subscribers whose signatures are affixed to the petition for such establishment or extension in equal proportions or in such other proportions as are fixed by the council of the initiating

municipality

municipality with the approval of the Commission, and, in case of default in payment by any subscriber of the amount so fixed, it may be collected as an ordinary debt by action against the person liable therefor or may be added to the collector's roll as taxes due from him and may be collected in the same manner as other taxes. 1954, c. 94, s. 32, *amended*.

**58.**—(1) Where the subscribers have prayed that de- Special rate  
a charge  
on land  
bentures of the initiating municipality be issued to pay the cost of the work, the special rates assessed against the land of a subscriber are a charge upon the land designated by the subscriber in the petition for the establishment or extension of a system and being land owned by the subscriber when he signed the petition, and shall, notwithstanding a change in the ownership of the land, continue to be a charge thereon until such rates have been fully paid, and such rates may, as they become payable, be collected as an ordinary debt by action against the person liable therefor or may be placed upon the collector's roll against the land as taxes due from the owner of the land and may be collected in the same manner as other taxes, and this section applies to all such rates heretofore or hereafter assessed against any lands under this Act or any predecessor of this Act.

(2) Where land is liable to be specially assessed to meet Commuta-  
tion of  
special  
rates  
the cost of the work, any subscriber may commute, for a payment in cash, the special rates assessable against his land forthwith after the actual cost of the work and the proportion of the cost payable by him have been ascertained. 1954, c. 94, s. 33.

**59.**—(1) The cost of maintenance of a municipal telephone Cost of  
maintenance  
system shall be defrayed by the subscribers in equal proportions or in such other proportions as are fixed by the council of the initiating municipality and approved by the Commission and is a charge on the lands of the subscribers in the same proportion, and may be collected in the same manner and with the same remedies, as the cost of the establishment or extension of a system or as any special rate assessed against the land of a subscriber in respect of such cost.

(2) Any tolls or moneys paid by the initiating municipality Collections  
of tolls  
paid to  
other  
systems for  
subscribers  
to any other system for telephone service furnished by such system to any subscriber of the initiating municipality are a charge upon the land of the subscriber and may be collected by the initiating municipality in the same manner and by the same remedies as the cost of the maintenance of a system. 1954, c. 94, s. 34, *amended*.



Release of  
subscribers  
from  
liability

**60.**—(1) Where there are no outstanding debentures of a municipal telephone system, a subscriber may be released and discharged from all liability in respect of the system upon application to the Commission.

Idem

(2) Where debentures of a municipal telephone system are outstanding, a subscriber who has fully paid his share of all instalments of principal and interest due or to become due under the debenture by-law, together with all other charges payable by him in respect of the system, may be released and discharged from all liability in respect of the system upon application to the Commission.

Idem

(3) A release from liability under subsection 1 or 2 does not discharge the subscriber from any liability that may arise under any contract made for telephone service. 1954, c. 94, s. 35, *amended*.

Inquiry as to  
sufficiency  
of rates

**61.**—(1) The Commission may from time to time inquire whether the rates and tolls charged for the service rendered by a municipal telephone system are sufficient to pay the cost of operation and maintenance of the system and the instalments of principal and interest on any outstanding debentures, or whether greater rates are charged than are sufficient for such purposes, and the Commission may order such revision or adjustment of the rates or tolls as it deems proper. *New*.

How  
deficiency  
made up

(2) Where the revenues of a municipal telephone system are insufficient in any year to meet the cost of operation and maintenance of the system and the instalments of principal and interest falling due in such year on account of any outstanding debentures of the initiating municipality issued for the telephone system, the deficiency shall be paid out of the general funds of the initiating municipality and the amount so paid constitutes a debt due from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by subscribers under this Act. 1954, c. 94, s. 36, *amended*.

Validity  
of rate

**62.** Any question arising as to the validity of any special rate levied under this Act shall be determined by the Commission on an application to it for that purpose. 1954, c. 94, s. 37, *amended*.

Prescribing  
terms of  
connection

**63.** The council of the initiating municipality or the commissioners, as the case may be, may prescribe the terms on which a person not being a subscriber may have his premises connected with the system and the rate at which he may receive telephone service, and any such rate that heretofore has been approved by the Board or may hereafter be approved

by the Commission may be collected in the same manner and with the same remedies as a rate due and unpaid by a subscriber, but such rate does not become a charge against the land. 1954, c. 94, s. 38, *amended*.

**64.** Until the control and management of a municipal telephone system is placed under commissioners, the system is under the control and management of the council of the initiating municipality. 1954, c. 94, s. 39, *amended*. Council to manage system

**65.**—(1) Upon the petition of a majority of the subscribers, the council of the initiating municipality shall place the telephone system under the control and management of commissioners to be designated "The Commissioners for the Telephone System of the Municipality of . . . . .", a majority of whom may exercise all the powers of the commissioners. 1954, c. 94, s. 40 (1). Petition for management by commissioners

(2) Where the system is in the initiating municipality only, there shall be three or five commissioners and, where the system extends into one or more other municipalities, there shall be an odd number of commissioners, not less than three. Number of commissioners

(3) Subject to subsection 2, the number of commissioners first elected shall be as specified in the petition. Idem

(4) Subject to subsection 2, the commissioners may by by-law increase or decrease the number of commissioners, but no such by-law shall come into force until confirmed at a general meeting of the subscribers called for the purpose or at the next annual meeting of the subscribers, and if so confirmed such by-law shall not be amended or repealed until two annual elections have been held under it. 1957, c. 123, s. 1. Increase or decrease in number of commissioners

**66.** Except as authorized under clause *d* of subsection 1 of section 71, the commissioners shall be elected each year at the annual general meeting of the subscribers or at a general meeting called for the purpose, and the commissioners shall hold office until their successors are elected. 1954, c. 94, s. 41, *amended*. Election of commissioners

**67.**—(1) No person is eligible for election as a commissioner unless he is a subscriber to the municipal telephone system. Eligibility

(2) No assessor, collector, treasurer, clerk, auditor or member, other than the head, of the council of a municipality is eligible to be elected a commissioner. 1954, c. 94, s. 42. Disqualification



## Vacancies

**68.** Where a commissioner resigns, dies or becomes incapacitated, the council of the initiating municipality shall immediately appoint a successor who shall hold office for the remainder of the term for which his predecessor was elected or appointed. 1954, c. 94, s. 43, *amended*.

## Powers of commissioners

**69.**—(1) Upon the election of the commissioners, the control and management of the municipal telephone system are vested in the commissioners and all the provisions of this Act relating to the initiating municipality and the council thereof in respect of the system, except in so far as they or any of them are by this Act expressly excepted, are applicable to the commissioners. 1954, c. 94, s. 44 (1), *amended*.

## Ownership of system and duties of initiating municipality

(2) The election of the commissioners does not affect the ownership of the system nor the authority and duty of the initiating municipality to provide from time to time all moneys required for the establishment and maintenance of the system and any extension thereof, nor the right of the initiating municipality to levy and collect all moneys and special rates that may be due and owing from time to time by the subscribers. 1954, c. 94, s. 44 (2).

## Security to be given by secretary, etc.

**70.** The commissioners may require the secretary or any other officer of the municipal telephone system to give such security as they require for the faithful performance of his duties and for the accounting for and paying over of all moneys that come into his possession or control. 1954, c. 94, s. 45, *amended*.

## By-laws

**71.**—(1) The commissioners may pass by-laws to provide for and regulate,

- (a) the time and place at which meetings of subscribers shall be held and the manner of calling and the procedure at meetings;
- (b) the manner of election, duties and remuneration of the commissioners;
- (c) the control and management of the system;
- (d) the term of office of the commissioners by extending the term to three years so that at the first election of commissioners for a term of three years one or more of them shall hold office for a term of one year only, one or more of them for a term of two years and the remaining one or more for a term of three years;

but such by-laws shall not come into force until approved by the Commission and confirmed at a general meeting of the

subscribers

subscribers called for the purpose or at the next annual meeting of the subscribers. 1954, c. 94, s. 46 (1), *amended*.

(2) A by-law under clause *b* of subsection 1 providing for and regulating the remuneration of the commissioners does not require the approval of the Department of Municipal Affairs under section 419 of *The Municipal Act*. 1955, <sup>Remuneration of commissioners</sup> R.S.O. 1950, c. 243, s. 88, s. 1.

**72.** Upon the petition of a majority of the subscribers of a municipal telephone system praying that the council of the initiating municipality take over the control and management of the system, the council shall pass a by-law for that purpose, and thereupon the commissioners shall hand over to the council, or some official designated by it, all the property of the system, including all moneys, vouchers, books, papers, documents and memoranda relating to the system, and thereafter the control and management of the system is vested in the initiating municipality and the council thereof. 1954, c. 94, s. 47, *amended*. <sup>Assumption of control by council of system operated by commissioners</sup>

**73.** Every municipal telephone system shall hold a general meeting of its subscribers in each year not later than the 1st day of April or at such time later in each year as is approved by the Commission. 1954, c. 94, s. 48, *amended*. <sup>Annual meeting</sup>

**74.—**(1) Not less than ten days before the day fixed for holding the annual general meeting, a financial statement shall be sent by first-class prepaid mail or delivered to each subscriber, to each member of the council of the initiating municipality and to the Commission containing, <sup>Financial statement to be sent to subscribers</sup>

- (a) a balance sheet showing in sufficient detail the assets and liabilities of the system as of the 31st day of December last past;
- (b) a statement of the income and expenditure of the system for the financial year ending on the 31st day of December last past;
- (c) a copy of the report of the auditor or auditors for the year ending on the 31st day of December last past;
- (d) such other information respecting the system as the by-law requires or the Commission prescribes.

(2) The financial statement mentioned in subsection 1 shall be submitted to the subscribers at the annual general meeting. 1954, c. 94, s. 49, *amended*. <sup>Statement to be submitted to meeting</sup>

## Notice

**75.**—(1) In default of other express provision in the by-laws of the system, notice of the time and place of holding any general meeting of the subscribers shall be given at least ten days before the meeting by first-class prepaid mail or by delivery to each subscriber and to each member of the council of the initiating municipality.

## Sending notices

(2) Notices calling a general meeting of the subscribers and the financial statement shall be sent by the commissioners or by their secretary or other officer and, where the system is under the control and management of the council, by the clerk of the initiating municipality.

## Business to be stated

(3) The notice calling a general meeting of the subscribers shall state the business that is to be transacted at it. 1954, c. 94, s. 50.

## General meeting called on requisition

**76.**—(1) Upon receipt of a requisition in writing, signed by not less than one-tenth of the subscribers, setting forth the objects of the proposed meeting, the commissioners, by their secretary or other officer or, where the system is under the control and management of the council, the clerk of the initiating municipality shall forthwith call a general meeting of the subscribers for the transaction of the business mentioned in the requisition.

## General meeting called by subscribers

(2) If the meeting is not called and held within twenty-one days from the date upon which the requisition was sent or delivered to the chairman or secretary of the commissioners or to the clerk of the initiating municipality, as the case may be, one-tenth of the subscribers, whether they signed the requisition or not, may themselves, by notice as provided in section 75, call a general meeting of the subscribers for the transaction of the business. 1954, c. 94, s. 51.

## General meeting called by council, etc.

**77.** The council of the initiating municipality or the commissioners, as the case may be, may of their own motion call a general meeting of the subscribers for the transaction of any business. 1954, c. 94, s. 52.

## Who may vote at general meeting

**78.** No person is entitled to vote at a general meeting of a municipal telephone system unless he is a subscriber to the system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote unless he is a subscriber. 1954, c. 94, s. 53; 1955, c. 88, s. 2, *amended*.

## Quorum

**79.**—(1) The presence in person of not fewer than five subscribers representing in person or by proxy at least one-tenth of all the subscribers is necessary to constitute a quorum

at a general meeting of the subscribers of a municipal telephone system, and the instrument appointing a proxy shall be in writing under the hand of the appointer or, if such appointer is a corporation, under its seal, and shall be attested by at least one witness, and no person shall be appointed a proxy who is not a subscriber. 1954, c. 94, s. 54, *amended*.

(2) Where a quorum is not present one hour after the time a general meeting has been called, the meeting shall be adjourned for one week at the same time and place and those subscribers present at the second meeting constitute a quorum. *New.*

**80.** Where a municipal telephone system is under the control and management of the initiating municipality, the several officials of the municipality in their respective offices shall do and perform all acts, matters and things herein on their part respectively directed to be done and performed in respect of the system, and, where the system is under the control and management of commissioners, the several officials respectively shall do and perform the acts, matters and things in like manner unless relieved therefrom by the commissioners. 1954, c. 94, s. 55, *amended*.

**81.—**(1) Where a municipal telephone system extends into a municipality other than the initiating municipality, the clerk of the initiating municipality shall,

- (a) forthwith after its passing, transmit to the clerk of the other municipality a certified copy of every debenture by-law charging with a rate the premises of any subscriber situated in the other municipality; and
- (b) when so required by the initiating municipality or the commissioners, as the case may be, transmit to the clerk of the other municipality, on or before such date as the council of the other municipality by by-law prescribes, the amount in respect of the debentures and the cost of maintenance payable by each such subscriber.

(2) The amount payable by each subscriber shall be placed on the collector's roll and shall be collected in the same manner as municipal taxes and paid over to the treasurer of the initiating municipality at the end of each month. 1954, c. 94, s. 56; 1957, c. 123, s. 2, *amended*.

**82.** The initiating municipality or the commissioners, as the case may be, shall pay to the clerk, treasurer and collector of the initiating municipality and to the clerk, treasurer and collector



collector of any other municipality into which its system extends a reasonable remuneration for the services performed by them or any of them under this Act, and such remuneration shall be fixed by agreement between the official performing the service and the council of the municipality or the commissioners, as the case may be, and, failing agreement, by the Commission on an application to it for that purpose. 1954, c. 94, s. 57, *amended*.

Penalties  
for breach  
of duties by  
municipal  
officials

**83.** The clerk, treasurer or collector of any municipality failing or neglecting to do and perform any act, matter or thing required of him by this Act or by order of the Commission directed to be done and performed by them respectively is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1954, c. 94, s. 58, *amended*.

Books to  
be kept

**84.—(1)** The council of the initiating municipality or the commissioners, as the case may be, shall cause proper books of account to be kept containing full and true statements of,

- (a) the financial transactions of the system;
- (b) the assets of the system;
- (c) the sums of money received and expended in respect of the system and the matters in respect of which such receipt and expenditure took place;
- (d) the credits and liabilities of the system;
- (e) the name of every subscriber and the location of his subscribed property,

and a book or books containing minutes of all the proceedings and votes at meetings of the council or commissioners and of subscribers verified by the signature of the head of the council, the chairman of the commissioners or other presiding officer, as the case may be. 1954, c. 94, s. 59 (1), *amended*.

Deposit and  
withdrawal  
of moneys

(2) All moneys received in respect of the system shall be deposited forthwith in a chartered bank in an account in the name of the system and all expenditures in respect of the system shall be paid by cheque drawn upon such account signed by the head of the council and treasurer of the initiating municipality or such other two signing officers as the council appoints or, where the system is under the control and management of commissioners, by the chairman and treasurer or such other two signing officers as the commissioners appoint. 1954, c. 94, s. 59 (2).

**85.** The accounts and transactions of a municipal telephone system shall be audited at least once in every year by the municipal auditor or auditors appointed and compensated as provided in section 245 of *The Municipal Act*. 1954, c. 94, s. 60, *amended*. Audit of accounts  
R.S.O. 1950  
c. 243

**86.** No action shall be brought against a municipal corporation or any of its officers, agents or servants for anything done or omitted in the construction, operation or maintenance of a municipal telephone system or in the exercise of any of the powers conferred by this Act after the lapse of six months from the time when the cause of action arose. 1954, c. 94, s. 61, *amended*. Limitation of actions

**87.** Every unincorporated association or partnership of persons, comprising five or more members or partners, owning or proposing to own a telephone system and using or proposing to use a public highway or highways for the purpose of furnishing telephone service to the members or partners of such unincorporated association or partnership, or any of them, or to other persons, shall secure letters patent creating them a corporation with share capital for the purpose of carrying on the business of a telephone company. 1954, c. 94, s. 64. Partnerships and unincorporated associations to be incorporated

**88.** No by-law, and no special resolution as defined in *The Corporations Act*, 1953, of an incorporated telephone company hereafter passed has any force or effect until approved by the Commission and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. 1955, c. 88, s. 3, *amended*. By-laws to be approved by Commission  
1953, c. 19

**89.—(1)** Every telephone system shall furnish continuous telephone service that adequately and efficiently meets the needs of the public in the territory in which it operates. Proper service to be given

**(2)** Any person who is not satisfied with the service rendered may lodge a complaint with the Commission with respect thereto and the Commission may order the system complained against to take such action as the Commission considers necessary. 1954, c. 94, s. 66, *amended*. Complaints

**90.** The Commission may make such orders for the construction and maintenance of a plant as it from time to time determines to be necessary in order to ensure adequate and efficient telephone service to the public and for the protection of life and property. 1954, c. 94, s. 67, *amended*. Orders to ensure proper service



Equipment  
ownership

**91.** Every telephone system shall own and maintain all equipment, except run-off poles on private property, operated in connection with the system, unless otherwise consented to by the Commission. 1954, c. 94, s. 68, *amended*.

Duplication  
of pole  
leads on  
highways

**92.** No telephone system shall erect poles upon or along or adjacent to and parallel with any part of a highway upon or along which the pole leads of another system are already erected, or otherwise by means of its plant or any part thereof duplicate the plant of or compete with any other system that furnishes telephone service in the same locality in which the first-mentioned system proposes to furnish such service, unless by consent of the Commission. 1954, c. 94, s. 69, *amended*.

Use of pole  
leads by  
two or  
more  
systems

**93.** Where in the opinion of the Commission the convenience of persons desiring telephone service requires the extension of a telephone system upon or along a highway, upon or along which there is already a telephone pole lead, the Commission may make such order as it deems expedient for authorizing the extension and consolidating the pole leads upon or along the highway. 1954, c. 94, s. 70, *amended*.

Telephone  
service to  
be furnished  
on request

**94.** Notwithstanding anything in any Act, where a person makes application to a telephone system for telephone service, the system shall furnish such service upon terms to be agreed upon and, failing agreement, upon such terms and conditions as are ordered by the Commission. 1954, c. 94, s. 71, *amended*.

Erection of  
poles on  
highways

**95.** Where it is necessary for the purpose of carrying into effect an order of the Commission that a telephone system should erect poles, cables, ducts or wires upon or along any road or highway under the jurisdiction of a town, village, county or township, the system may, notwithstanding any limitations in any letters patent or otherwise, erect the poles, cables, ducts and wires upon or along the road or highway upon such terms and conditions as are agreed upon between the council of the municipality and the system, and, if the council and the system are unable to agree, then upon such terms and conditions as the Commission prescribes. 1954, c. 94, s. 72, *amended*.

Agreements  
for  
connection,  
joint  
operation,  
etc.

**96.** A telephone system may enter into an agreement with any other system, whether the latter system is under the jurisdiction of the Legislature or not, providing for the connection, intercommunication, joint operation or reciprocal use of the respective lines and other plant controlled, owned or operated by the systems and for the transmission of

business between the systems, and for the interchange of messages passing to, from or over their lines and other plant, and for the apportionment of tolls, commissions and expenditures and the division of receipts and profits and generally for the regulation, management and operation of their lines and other plant, but no such agreement has any validity or effect until approved by the Commission. 1954, c. 94, s. 73, *amended*.

**97.** Where the lines or other parts of the plant of two or more telephone systems are situated in such proximity to each other as to make it expedient in the public interest that they be connected in order that there be intercommunication between them or joint operation or reciprocal use of them or that the lines or other plant be used jointly by the systems for the transmission of messages and either or any of the systems fail or refuse to enter into an agreement with the other or others, the Commission shall order, Commission may order connection, joint operations, etc.

- (a) that such connection be made;
- (b) by whom and in what manner any line or works necessary for the purpose of making the connection shall be constructed and maintained;
- (c) how the cost incurred in constructing and maintaining it or them shall be borne; and
- (d) upon such terms and conditions as the Commission prescribes, that there shall be such intercommunication between or joint operation or reciprocal use of, and such transmission of messages by or over, the lines or other plant, including any connecting lines or works, as the Commission prescribes. 1954, c. 94, s. 74, *amended*.

**98.—**(1) Where the lines of one or more telephone systems terminate on the switchboard of another system, the other system shall furnish all reasonable and proper facilities for the interchange of conversations between the systems. Intercommunication by systems

(2) The facilities to be so afforded shall include the providing of suitable switching facilities to connect the lines of the systems and the permitting of conversations to be transmitted without unreasonable delay over the lines so connected. What facilities to be used

(3) The terms upon which the facilities for the interchange of conversation between two or more systems to be afforded under this section shall be fixed by agreements between the

systems concerned, subject to the approval of the Commission, and, failing such agreement, they shall be fixed by the Commission. 1954, c. 94, s. 75, *amended*.

Intercom-  
munication  
between  
federal  
and  
provincial  
systems

**99.** Where the lines or other parts of the plant of a telephone system under the jurisdiction of the Legislature and the lines or other parts of the plant of a system under the jurisdiction of the Parliament of Canada are situate in such proximity to each other as to make it practicable for the lines or other parts of the plant to be so connected as to provide direct communication whenever required between any telephone on the one system and any telephone on the other system, either of the systems or any municipal corporation or other public body or any person interested may file with the Commission and with the Board of Transport Commissioners for Canada an application for an order that such connection be made together with evidence of service of the application upon the systems interested or affected and clauses *b, c, d* and *e* of subsection 1 of section 131 of *The Railways Act* apply *mutatis mutandis* to every such application. 1954, c. 94, s. 76, *amended*.

R.S.O. 1950,  
c. 331

Use of  
highways

**100.**—(1) No telephone system shall place in, upon, over or under any highway, lane or square under the jurisdiction of the council of a municipality any poles, cables, ducts, wires or other structures or equipment without having acquired the right so to do. 1954, c. 94, s. 62 (1).

Grants of  
right to  
use  
highways

(2) Notwithstanding the provisions of any other Act and with the approval of the Commission, the council of any municipality may pass a by-law or by-laws for granting to a system, upon such terms and conditions as are deemed expedient, the right to use any highway, square or lane under its jurisdiction for placing in, upon, over or under the same poles, cables, ducts, wires or other structures or equipment, but no such by-law comes into force until approved by the Commission. 1954, c. 94, s. 62 (2), *amended*.

Commission  
to  
determine  
differences  
as to use  
of highways

(3) Where the council and the system are unable to agree as to the terms and conditions upon which such right is to be granted, the council or the system may refer the matters in dispute to the Commission in which case the Commission, after hearing the evidence of all persons interested, may prescribe the terms and conditions, and thereupon the terms and conditions are binding upon the municipality and the system. 1954, c. 94, s. 62 (3), *amended*.

Termination  
of right

(4) Where a system fails to comply with any provision of this Act or the regulations or any order of the Commission, the Commission may terminate any right conferred upon the

system under this section, in which case the by-law granting the right shall be deemed to be repealed. 1954, c. 94, s. 62 (4), *amended*.

(5) Upon the termination of any right conferred upon a system under this section in accordance with the terms and conditions of the by-law granting the right or in accordance with an order of the Commission, the council may, with the approval of the Commission, order the system to remove its poles, cables, ducts, wires and other structures and equipment from the highways, squares and lanes under the jurisdiction of the council and, upon failing to comply with the order within ninety days, the council may remove the poles, cables, ducts, wires and other structures and equipment and charge the cost thereof to the system. 1954, c. 94, s. 62 (5), *amended*. Effect of termination of right

**101.** The right to use, for the purposes of section 100, any highway or road allowance situated in territory without municipal organization may be granted by the Minister of Lands and Forests upon such terms and conditions and subject to such rentals or charges as he determines. 1954, c. 94, s. 63. Right to use highways in unorganized territory

**102.**—(1) A telephone system shall not enter into an agreement with any other system that may have the effect of increasing the cost of telephone service to the public until the proposed agreement has been submitted to and approved by the Commission. 1954, c. 94, s. 77, *amended*. Agreements increasing cost of service

(2) This section does not apply to an agreement in relation to a matter to which section 103 applies. 1957, c. 123, s. 3. Application of section

**103.** No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement that in effect transfers its ownership or control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Commission has approved the sale or other disposition, amalgamation or agreement. 1954, c. 94, s. 78; 1955, c. 88, s. 4, *amended*. Sales or transfers of systems, etc.

**104.** The Commission may by its order terminate any of the rights, powers and privileges possessed by or conferred upon any telephone system under this Act, if the system contravenes section 102 or 103, and may by its order prohibit the system from carrying on business under this Act. 1954, c. 94, s. 79, *amended*. Termination of powers of system



Tariffs and  
tolls to be  
filed and  
approved

**105.** Every telephone system shall file with the Commission its tariff of rates and tolls in such form and containing such particulars as the Commission requires and no system or municipality shall charge or levy any rate or toll that has not been filed with and approved by the Commission. 1954, c. 94, s. 80, *amended*.

Prohibition  
against dis-  
crimination  
as to tolls,  
free service

**106.** There shall be no discrimination by any telephone system in favour of or against any person furnished with telephone service by the system by way of reduction or increase in any rate or toll, and no system shall without the approval of the Commission furnish free telephone service to any person. 1954, c. 94, s. 81, *amended*.

Offence  
and  
penalty

**107.** Every officer of a telephone system who wilfully authorizes or permits any contravention of section 105 or 106 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 82.

Depreciation  
fund

**108.**—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year a proportion of its earnings and the fund so provided shall, unless otherwise authorized by the Commission, be applied exclusively to meet the cost of the renewal and replacement of such part of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency and the Commission may require the system to make such changes in the rate of depreciation from time to time as the Commission considers expedient.

Deposit,  
investment  
and  
application  
of fund

(2) The moneys carried to the credit of the depreciation fund shall, unless the Commission otherwise directs, be deposited in a chartered bank at interest and,

R.S.O. 1950,  
c. 400

(a) may be invested in such securities as trustees may invest in under *The Trustee Act*; or

(b) may, with the approval of the Commission, be expended in new construction or extensions or additions to the system.

Interest

(3) All earnings accruing from any part of the depreciation fund deposited or invested as provided in subsection 2 shall from time to time be carried to the credit of the depreciation fund. 1955, c. 88, s. 5, *amended*.

Approval of  
issue of  
stock, bonds,  
notes, etc.

**109.**—(1) A telephone system shall not issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof

until



until it has obtained from the Commission an order authorizing the issue and the amount thereof and stating the purposes to which the issue or proceeds thereof are to be applied and that in the opinion of the Commission the money, property or labour to be procured or paid for by the issue of the stock, bonds, notes or other evidence of indebtedness is or has been reasonably required for the purposes specified in the order.

(2) Every officer of a system who wilfully authorizes or permits any contravention of subsection 1 is guilty of an <sup>Offence and penalty</sup> offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 84, *amended*.

**110.**—(1) Every person who uses or interferes with or permits to be used or interfered with any telephone instru- <sup>Prohibition against interference with instruments</sup> ment, wiring or other equipment so as to injure or damage it or prevent the proper use of the circuit to which the telephone instrument, wiring or other equipment is connected is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 85 (1), *amended*.

(2) Every officer of a telephone system who wilfully <sup>Idem</sup> authorizes or permits any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each offence. 1954, c. 94, s. 85 (2).

**111.** Every operator or other person in the employ of a telephone system who divulges the purport or substance of <sup>Employees divulging conversations</sup> any telephone conversation or message passing over the lines of the system, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 86.

**112.** Every person who, having acquired knowledge of <sup>Persons other than employees divulging conversations</sup> any conversation or message passing over any telephone line not addressed to or intended for such person, divulges the purport or substance of the conversation or message, except when lawfully authorized or directed so to do, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 87.

**113.** Every person who, when using a telephone instru- <sup>Using obscene language</sup> ment or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, uses indecent,

obscene,

obscene, blasphemous or grossly insulting language is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 88.

Refusal to  
give up line

**114.** Every person who, when using a telephone instrument or conversing over a telephone line, whether the telephone instrument or line is owned by a telephone system under the jurisdiction of the Legislature or not, refuses to give up or permit the use of the line when requested so to do by the operator or by any other person in case of a fire, accident, sickness or other similar emergency is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for a term of not more than thirty days, or to both. 1954, c. 94, s. 89.

Annual  
returns

**115.**—(1) Every telephone system shall, on or before the 1st day of April in each year or, in the case of any one or more systems, at such later time in any year as the Commission approves, furnish to the Commission a return containing such particulars respecting the cost, receipts, expenditures, operation, management and equipment of the system as the Commission requires.

Penalty for  
default

(2) Every officer of a system who authorizes or acquiesces in any default in making a return under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day during which the default continues. 1954, c. 94, s. 90, *amended*.

1959, c. 9,  
not to apply

**116.** *The Bulk Sales Act, 1959* does not apply to the sale of a telephone system or a part thereof under this Act. *New*.

1954, c. 94;  
1955, c. 88;  
1957, c. 123;  
1958, c. 110,  
repealed

**117.** *The Telephone Act, 1954, The Telephone Amendment Act, 1955, The Telephone Amendment Act, 1957 and The Telephone Amendment Act, 1958* are repealed.

Commence-  
ment

**118.** This Act comes into force on the day it receives Royal Assent.

Short title

**119.** This Act may be cited as *The Telephone Act, 1960*.

## CHAPTER 121

# An Act to amend The Territorial Division Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of paragraph 8 of section 1 of *The Territorial Division Act* is amended by striking out “La Salle” in the second line. R.S.O. 1950, c. 388, s. 1, par. 8, cl. b, amended

(2) Clauses *a* and *b* of paragraph 13 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950, c. 388, s. 1, par. 13, cls. *a*, *b*, re-enacted

(*a*) the towns of Caledonia, Dunnville;

(*b*) the villages of Cayuga, Hagersville, Jarvis.

(3) Clause *aa* of paragraph 14 of the said section 1, as enacted by subsection 2 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed. R.S.O. 1950, c. 388, s. 1, par. 14, cl. *aa* (1952, c. 106, s. 1, subs. 2), repealed

(4) Clause *b* of paragraph 14 of the said section 1 is amended by striking out “Nelson” in the second column. R.S.O. 1950, c. 388, s. 1, par. 14, cl. *b*, amended

(5) Clause *e* of paragraph 15 of the said section 1 is amended by inserting after “Faraday” in the first column “Herschel” and by striking out “Monteagle and Herschel” in the second column and inserting in lieu thereof “Monteagle”. R.S.O. 1950, c. 388, s. 1, par. 15, cl. *e*, amended

(6) Clause *b* of paragraph 16 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1952*, is further amended by adding at the end thereof “Zurich”, so that the clause shall read as follows: R.S.O. 1950, c. 388, s. 1, par. 16, cl. *b*, amended

(*b*) the villages of Blyth, Brussels, Hensall, Zurich.

(7) Clause *a* of paragraph 24 of the said section 1, as enacted by subsection 2 of section 1 of *The Territorial Division* R.S.O. 1950, c. 388, s. 1, par. 24, cl. *a* (1954, c. 95, s. 1, subs. 2), re-enacted

*Amendment Act, 1954*, is repealed and the following substituted therefor:

(a) the towns of Delhi, Port Dover, Simcoe, Waterford.

R.S.O. 1950, c. 388, s. 1, par. 24, cl. b, re-enacted (8) Clause *b* of paragraph 24 of the said section 1, as amended by subsection 3 of section 1 of *The Territorial Division Amendment Act, 1954*, is repealed and the following substituted therefor:

(b) the Village of Port Rowan.

R.S.O. 1950, c. 388, s. 1, par. 26, cl. b, re-enacted (9) Clause *b* of paragraph 26 of the said section 1 is repealed and the following substituted therefor:

(b) the towns of Ajax, Uxbridge, Whitby.

R.S.O. 1950, c. 388, s. 1, par. 26, cl. cc, (1952, c. 106, s. 1, subs. 5), repealed (10) Clause *cc* of paragraph 26 of the said section 1, as enacted by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1952*, is repealed.

R.S.O. 1950, c. 388, s. 1, par. 28, cl. b, amended (11) Clause *b* of paragraph 28 of the said section 1 is amended by inserting after "Bolton" in the first line "Caledon East", so that the clause shall read as follows:

(b) the villages of Bolton, Caledon East, Port Credit, Streetsville.

R.S.O. 1950, c. 388, s. 1, par. 33, cls. *a*, *b*, re-enacted (12) Clause *a* and clause *b*, as amended by subsection 5 of section 1 of *The Territorial Division Amendment Act, 1954*, of paragraph 33 of the said section 1 are repealed and the following substituted therefor:

(a) the towns of Arnprior, Deep River, Pembroke, Renfrew;

(b) the villages of Barry's Bay, Beachburg, Braeside, Chalk River, Cobden, Eganville, Killaloe Station.

R.S.O. 1950, c. 388, s. 1, par. 35, cls. *a*, *b*, re-enacted (13) Clauses *a* and *b* of paragraph 35 of the said section 1 are repealed and the following substituted therefor:

(a) the City of Barrie;

(aa) the towns of Alliston, Bradford, Collingwood, Midland, Orillia, Penetanguishene, Stayner;

(b) the villages of Beeton, Coldwater, Creemore, Elm-vale, Port McNicoll, Tottenham, Victoria Harbour, Wasaga Beach.

(14) Clause *c* of paragraph 38 of the said section 1 is amended by inserting after "Ayr" in the first line "Bridgeport", so that the clause shall read as follows: R.S.O. 1950,  
c. 388, s. 1,  
par. 38, cl. *c*,  
amended

(*c*) the villages of Ayr, Bridgeport, New Hamburg.

(15) Clauses *b* and *c* of paragraph 41 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1950,  
c. 388, s. 1,  
par. 41,  
cls. *b*, *c*,  
re-enacted

(*b*) the towns of Dundas, Stoney Creek;

(*c*) the Village of Waterdown.

(16) Clause *d* of paragraph 41 of the said section 1 is amended by striking out "Barton" in the first column. R.S.O. 1950,  
c. 388, s. 1,  
par. 41,  
amended

(17) Paragraph 41 of the said section 1 is amended by striking out the Note thereto. R.S.O. 1950,  
c. 388, s. 1,  
par. 41,  
amended

(18) Clauses *b* and *d* of paragraph 42 of the said section 1, as re-enacted by subsection 7 of section 1 of *The Territorial Division Amendment Act, 1954*, are repealed and the following substituted therefor: R.S.O. 1950,  
c. 388, s. 1,  
par. 42, cls.  
*b*, *d* (1954,  
c. 95, s. 1,  
subs. 7),  
re-enacted

(*b*) the towns of Aurora, Newmarket, Richmond Hill;

. . . . .

(*d*) the villages of Markham, Stouffville, Sutton, Wood-bridge.

(19) Paragraph 43 of the said section 1 is amended by striking out "shall consist of the townships of" in the second line and inserting in lieu thereof the following: R.S.O. 1950,  
c. 388, s. 1,  
par. 43,  
amended

shall consist of,

(*a*) the Improvement District of Bicroft;

(*b*) the townships of,

. . . . .

(20) Clause *c* of paragraph 44 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,  
c. 388, s. 1,  
par. 44, cl. *c*,  
re-enacted

(*c*) the villages of Hilton Beach, Iron Bridge.

(21) Clause *b* of paragraph 52 of the said section 1, as amended by subsection 8 of section 1 of *The Territorial Division Amendment Act, 1954*, is further amended by striking R.S.O. 1950,  
c. 388, s. 1,  
par. 52, cl. *b*,  
amended



out "Frood Mine" in the second line and inserting in lieu thereof "Espanola", so that the clause shall read as follows:

- (b) the towns of Capreol, Chelmsford, Coniston, Copper Cliff, Espanola, Levack, Lively, Massey, Webbwood.

R.S.O. 1950,  
c. 388, s. 1,  
par. 53, cl. c,  
amended

(22) Clause *c* of paragraph 53 of the said section 1 is amended by inserting after,

- (a) "Byron" in the first column "Cecil" and "Cecile";
- (b) "Danford" in the first column "Davies";
- (c) "Flood" in the second column "Foote";
- (d) "Furlonge" in the second column "Gemmell" and "Gertrude";
- (e) "Graydon" in the second column "Grenville";
- (f) "Hele" in the second column "Herbert";
- (g) "Manion" in the third column "Mapledoram";
- (h) "Neebing" in the third column "Nickle";
- (i) "Robbins" in the first column "Roberta"; and
- (j) "Soper" in the second column "Spooner".

R.S.O. 1950,  
c. 388, s. 2,  
par. 1,  
amended

2.—(1) Paragraph 1 of section 2 of *The Territorial Division Act*, as amended by subsection 1 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by striking out "includes the townships of" in the second line and inserting in lieu thereof the following:

includes,

- (a) the improvement districts of Elliot Lake, White River;
- (b) the townships of,

and by striking out "Thessalon and Lefroy" in the third column and inserting in lieu thereof "Thessalon".

R.S.O. 1950,  
c. 388, s. 2,  
par. 2, cl. a  
(1952, c. 106,  
s. 2, subs. 2),  
re-enacted

(2) Clause *a* of paragraph 2 of the said section 2, as re-enacted by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1952*, is repealed and the following substituted therefor:

- (a) the improvement districts of Kingham (part), Val Albert.

(3) Clause *b* of paragraph 2 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Glackmeyer" in the first column "Kendrey".

R.S.O. 1950,  
c. 388, s. 2,  
par. 2, cl. *b*,  
amended

(4) Clause *b* of paragraph 3 of the said section 2 is amended by striking out "Van Horne" in the second column and inserting in lieu thereof "Red Lake".

R.S.O. 1950,  
c. 388, s. 2,  
par. 3, cl. *b*,  
amended

(5) Clause *a* of paragraph 9 of the said section 2 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 388, s. 2,  
par. 9, cl. *a*,  
re-enacted

(a) the improvement districts of Onaping, Renabie.

(6) Clause *b* of paragraph 9 of the said section 2, as amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1952*, is further amended by inserting after "Bleazard" in the first column "Capreol", by inserting after "Drury, Denison and Graham" in the second column "Falconbridge" and by striking out "McKim" in the second column.

R.S.O. 1950,  
c. 388, s. 2,  
par. 9, cl. *b*,  
amended

(7) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 6 of section 2 of *The Territorial Division Amendment Act, 1952*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 388, s. 2,  
par. 10, cl. *a*,  
re-enacted

(a) the improvement districts of Beardmore, Dorion, Longlac, Manitouwadge, Marathon, Nakina, Red Rock.

(8) Clause *b* of paragraph 10 of the said section 2 is amended by adding at the end thereof "Terrace Bay".

R.S.O. 1950,  
c. 388, s. 2,  
par. 10, cl. *b*,  
amended

**3.** This Act may be cited as *The Territorial Division Amendment Act, 1960*.

Short title



## CHAPTER 122

# An Act respecting the Toronto General Hospital and The Wellesley Hospital

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Trustees of the Toronto General Hospital have and shall be deemed to have had on and after the 1st day of January, 1960, power and authority to convey, assign and transfer to The Wellesley Hospital, with or without consideration, the real and other property of The Trustees of the Toronto General Hospital described in an agreement made between them and dated as of the 1st day of January, 1960. Power to transfer property

**2.** The agreement mentioned in section 1, an executed counterpart of which has been filed with the Hospital Services Commission of Ontario, is hereby confirmed as of its date and declared to be valid and binding upon the parties thereto in accordance with its terms. Agreement validated

**3.** The Wellesley Hospital is hereby declared to be and to have been since its incorporation under *The Ontario Companies Act* by letters patent dated the 18th day of April, 1911, a valid and subsisting corporation. Corporation continued 1907, c. 34

**4.** The directors and officers of The Wellesley Hospital who were elected or appointed at meetings of the members and directors, respectively, of the corporation held on the 22nd day of December, 1959, are hereby declared to have been validly elected or appointed, as the case may be. Directors and officers

**5.** This Act comes into force on the day it receives Royal Assent. Commencement

**6.** This Act may be cited as *The Toronto General and Wellesley Hospitals Act, 1960*. Short title





## CHAPTER 123

## An Act to amend The Tourist Establishments Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Tourist Establishments Act*, as re-enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

(*d*) “tourist establishment” means any premises operated for the accommodation of the travelling or vacationing public or at or from which equipment, supplies or services are furnished to the public in connection with angling, hunting or camping, but does not include,

(i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act, 1956*, or

(ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, or

(iii) a club owned by its members and operated without profit or gain.

(2) Clause *e* of the said section 1, as enacted by section 1 of *The Tourist Establishments Amendment Act, 1958*, is repealed.

**2.** Clause *b* of subsection 1 of section 2 of *The Tourist Establishments Act*, as re-enacted by section 2 of *The Tourist Establishments Amendment Act, 1952* and amended by sub-

section 2 of section 2 of *The Tourist Establishments Amendment Act, 1958*, is repealed and the following substituted therefor:

- (b) providing for permits to establish and for licences to operate tourist establishments and respecting the form, issue, renewal, transfer, refusal, suspension and cancellation of such permits and licences and prescribing the fees payable for such permits and licences and renewals thereof.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Tourist Establishments Amendment Act, 1960*.

## CHAPTER 124

## An Act to amend The Training Schools Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *g* of subsection 1 of section 7 of *The Training Schools Act* is amended by striking out "or incorrigible", so that the clause shall read as follows: R.S.O. 1950,  
c. 396, s. 7,  
subs. 1, cl. *g*,  
amended

(*g*) proves unmanageable.

**2.** Subsection 3 of section 14 of *The Training Schools Act*, as enacted by section 2 of *The Training Schools Amendment Act, 1957*, is amended by inserting after "part" in the sixth line "and whether or not the boy or girl is over the age of sixteen years", so that the subsection shall read as follows: R.S.O. 1950,  
c. 396, s. 14,  
subs. 3 (1957,  
c. 124, s. 2),  
amended

(3) Where the judge finds, having regard to all the circumstances, that a parent is able to contribute to the maintenance and education of the boy or girl, he may, in any order made under this Act, order such parent to refund to the municipality in whole or in part and whether or not the boy or girl is over the age of sixteen years the charges that the municipality has been ordered to pay, but nothing herein relieves the municipality from liability for the charges. Contribution  
from  
parent  
ordered

**3.** Section 22 of *The Training Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 396, s. 22,  
amended

(2) The Board and superintendent, with the approval of the Minister, may require a boy or girl who has left a training school under subsection 1 to return to the training school at any time while the boy or girl is a ward of the training school. Recall

**4.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**5.** This Act may be cited as *The Training Schools Amendment Act, 1960*. Short title



## CHAPTER 125

## An Act to amend The Trees Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Trees Act* is amended by renumbering section 1 as section 1a and by adding thereto the following section: R.S.O. 1950,  
c. 399,  
amended

1. In this Act, "forestry purposes" means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, and the protection and production of water supplies. Interpre-  
tation

**2.** Section 6 of *The Trees Act*, as amended by section 1 of *The Trees Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950  
c. 399, s. 6,  
re-enacted

6. The council of any county may pass by-laws, County  
by-laws for  
acquiring  
lands for  
forestry  
purposes
- (a) for acquiring by purchase, lease or otherwise land for forestry purposes;
  - (b) for declaring land that is owned by the municipality to be required by the municipality for forestry purposes;
  - (c) for planting and protecting trees on any land acquired for or declared to be required for forestry purposes;
  - (d) for the management of any land acquired for or declared to be required for forestry purposes and the sale or other disposition of the trees thereon;
  - (e) for the issuing of debentures, without the assent of the electors but subject to the

approval



approval of the Ontario Municipal Board, from time to time for the purpose of providing for the purchase of land for forestry purposes to an amount not exceeding \$25,000 to be owing at any one time;

(f) for entering into agreements for the management of any land acquired for or declared to be required for forestry purposes;

(g) for leasing, selling or otherwise disposing of any land acquired for or declared to be required for forestry purposes.

R.S.O. 1950,  
c. 399, s. 7,  
subs. 1,  
amended

**3.** Subsection 1 of section 7 of *The Trees Act*, as amended by subsection 1 of section 3 of *The Trees Amendment Act, 1952*, is further amended by striking out "*e* and *f*" in the third line and inserting in lieu thereof "*d, f* and *g*", so that the subsection shall read as follows:

Powers of  
township  
councils

(1) The council of any township having a population of less than 10,000 shall have all the powers, privileges and authority conferred by clauses *a, b, c, d, f* and *g* of section 6 on the council of a county.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Trees Amendment Act, 1960*.

## CHAPTER 126

## An Act to amend The Trustee Act

*Assented to April 12th, 1960**Session Prorogued April 12th, 1960*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 400,  
amended

26a.—(1) In addition to the investments authorized by section 26, the Supreme Court may, if it thinks fit, by order authorize a trustee holding trust money for investment to invest such moneys in the following classes of investments, but only if the investment is in other respects reasonable and proper and is made in accordance with subsections 2, 3 and 4: Other  
investments  
authorized  
by S.C.O.

1. bonds, debentures, debenture stock or other securities of any corporation incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such corporation or other assets of such corporation of the classes mentioned in this section or in section 26; bonds  
secured  
by trust  
deed
2. bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity; provincial  
subsidy  
bonds

corporation  
securities

3. bonds, debentures or other evidences of indebtedness of a corporation that has paid,

- (a) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or
- (b) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

preferred  
shares

4. preferred shares of a corporation that has paid,

- (a) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or
- (b) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

common  
shares

5. fully paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid.

Limitation

- (2) No investment shall be made under this section that, at the time of making such investment, would cause the aggregate market value of the investments made under this section to exceed 35 per cent of the market value at that time of the whole trust estate,

and,

and, if in any estate or trust the trustee has retained, under the authority of the trust instrument, investments that had been acquired by the testator or settlor and that come within any of the classes authorized by this section, such investments shall be deemed to have been made under this section.

- (3) No sale or other liquidation of any investment made under this section shall be required solely because of any change in the ratio between the market value of such investments and the market value of the whole trust estate.

- (4) In determining market values for the purpose of this section, a trustee may rely upon published market quotations as to those investments for which such quotations are available, and upon such valuations of other investments as in his judgment seem fair and reasonable according to available information.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Trustee Amendment Act, 1960*.





## CHAPTER 127

## An Act to amend The Unconscionable Transactions Relief Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Unconscionable Transactions Relief Act* is amended by adding at the end thereof “and includes and has always included a mortgage within the meaning of *The Mortgages Act*”, so that the clause shall read as follows: R.S.O. 1950,  
c. 402, s. 1,  
cl. *e*,  
amended

(*e*) “money lent” includes money advanced on account of any person in any transaction which, whatever its form may be, is substantially one of money-lending or securing the repayment of money so advanced and includes and has always included a mortgage within the meaning of *The Mortgages Act*. R.S.O. 1950,  
c. 239

**2.** Clause *b* of section 3 of *The Unconscionable Transactions Relief Act* is amended by inserting after “action” in the first line “or proceeding”, so that the clause shall read as follows: R.S.O. 1950,  
c. 402, s. 3,  
cl. *b*,  
amended

(*b*) in an action or proceeding by the debtor notwithstanding any provision or agreement to the contrary, and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived. in action  
by debtor

**3.** *The Unconscionable Transactions Relief Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 402,  
amended

**3a.—(1)** In addition to any right that a debtor may have under this or any other Act or otherwise in respect of money lent, he may apply for relief under this Act to a judge of the county or district court of the county or district in which he resides, and the judge on the application may exercise any of the powers of the court under section 2. Relief by  
way of  
originating  
notice in  
county court

Removal of  
proceedings  
into  
Supreme  
Court

- (2) Where an application is made under subsection 1, the judge may, if he sees fit, at any time before disposing of the application, by order remove the proceedings into the Supreme Court.

Idem

- (3) When an order is made under subsection 2, the clerk of the county or district court shall forthwith transmit the papers in the case to the proper office of the Supreme Court in the county or district in which the application was made.

Idem

- (4) When the papers have been received in the proper office of the Supreme Court, the application is *ipso facto* removed into the Supreme Court and shall be heard and determined by a judge of the Supreme Court in chambers, and the judge on the application may exercise any of the powers of the court under section 2 or he may direct an issue.

Appeal

- (5) An appeal lies to the Court of Appeal from any order made under subsection 1 or 4.

Commence-  
ment■

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Unconscionable Transactions Relief Amendment Act, 1960*.

## CHAPTER 128

## An Act to amend The Wages Act

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Wages Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 415,  
amended

**7a.**—(1) Where a garnishment order has been made against the debtor, he may apply to the judge for an order for the release of the garnishment and for the payment of the judgment by instalments and, if the judge deems it proper in all the circumstances of the case, he may make the order, fixing therein the amounts and times of payment, and, so long as the debtor is not in default under the order, no further garnishment of the debtor's wages shall be had in respect of the judgment debt. Release of  
garnishment  
on terms

(2) An order under subsection 1 may be made *ex parte*, Idem but the judge may vary it at any time upon the application of the debtor or creditor with at least two days notice in writing to the other party.

(3) Forthwith after an order is made under subsection 1, a copy thereof shall be sent by prepaid mail by the clerk of the court to the judgment creditor or his agent. Copy to  
judgment  
creditor

**2.** This Act may be cited as *The Wages Amendment Act*, Short title 1960.



## CHAPTER 129

**An Act to amend  
The Warble Fly Control Act, 1952**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 2 of *The Warble Fly Control Act, 1952* is repealed and the following substituted therefor: <sup>1952, c. 113,  
s. 2, subs. 2,  
re-enacted</sup>

(2) Where a by-law passed under this Act has been in force for a period of at least three consecutive years and the council receives a petition that bears the signatures of at least one-third of the cattle owners in the municipality requesting that the by-law be repealed, the council at its next meeting may repeal the by-law. <sup>Repeal  
of by-law</sup>

(3) The clerk of the municipality shall send a certified copy of any by-law passed under subsection 1 or 2 to the Commissioner within seven days after it is passed. <sup>Copy to be  
sent to  
Commissioner</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Warble Fly Control Amendment Act, 1960*. <sup>Short title</sup>





## CHAPTER 130

**The Weed Control Act, 1960**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "chief inspector" means the chief inspector appointed under this Act;
- (b) "county weed inspector" means a person appointed by the council of a county to enforce this Act within the county;
- (c) "district weed inspector" means a district weed inspector appointed under this Act;
- (d) "inspector" means county weed inspector, district weed inspector, local weed inspector and municipal weed inspector;
- (e) "local weed inspector" means a person appointed by the council of a local municipality to enforce this Act within the municipality;
- (f) "Minister" means the Minister of Agriculture;
- (g) "municipal weed inspector" means a person appointed by the council of a municipality not forming part of a county for municipal purposes;
- (h) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (i) "owner" means the person shown as the owner of property on the last revised assessment roll of the municipality in which the property is located;
- (j) "regulations" means the regulations made under this Act;

(k)

(k) "weed seed" means the seed of a noxious weed.  
R.S.O. 1950, c. 421, s. 1, *amended*.

Appointment of inspectors, chief and district

2. The Lieutenant Governor in Council may appoint a chief inspector and a district weed inspector for any district designated in his appointment. *New*.

Duty to destroy noxious weeds

3.—(1) Every person in possession of land shall destroy all noxious weeds thereon as often in every year as is necessary to prevent the ripening of their seeds. R.S.O. 1950, c. 421, s. 3 (1).

Riparian owners

(2) Where land abuts a river, stream or lake or other natural body of water, the person in possession of the land shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of that body of water. R.S.O. 1950, c. 421, s. 3 (2), *amended*.

Road authorities deemed in possession of roads  
1957, c. 43

4.—(1) For the purposes of section 3, every road authority within the meaning of *The Highway Improvement Act, 1957* shall be deemed to be the person in possession of the land under its jurisdiction.

Recovery from road authorities

(2) Where the Minister is of the opinion that a road authority has failed to perform its duty under section 3, the Lieutenant Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1950, c. 421, s. 4.

Appointment of inspectors in counties, cities, separated towns and municipalities in territorial districts

5.—(1) The council of every county, city and separated town and of every municipality in a territorial district shall pass by-laws appointing one or more persons as county weed inspectors, municipal weed inspectors or local weed inspectors, as the case may be, to enforce this Act in the area within its jurisdiction and fixing their remuneration or other compensation. R.S.O. 1950, c. 421, s. 5 (1), *part, amended*.

Division of municipality into areas

(2) Any such council may divide the municipality into areas and appoint one or more inspectors for each area. R.S.O. 1950, c. 421, s. 5 (2), *amended*.

Failure to appoint inspectors

(3) Where a council fails to appoint an inspector under subsection 1, the Minister may appoint the inspector for the area within the jurisdiction of the council and fix his remuneration or other compensation and shall notify the council of the municipality in writing of the appointment and the

treasurer of the municipality shall pay the remuneration or other compensation so fixed. R.S.O. 1950, c. 421, s. 5 (3), *amended*.

(4) If in the opinion of the Minister any inspector is incompetent or fails to carry out his duties, the Minister, after a hearing giving the inspector and the council that appointed him an opportunity to make representations in that regard, may annul the appointment of the inspector. R.S.O. 1950, c. 421, s. 5 (4), *amended*. Annulment of inspector's appointment by Minister

(5) If in the opinion of the Minister a council has wrongfully revoked the appointment of an inspector appointed under subsection 1, the Minister, after giving the council and the inspector an opportunity to make representations in that regard, may, in writing addressed to the council concerned, require the council to reinstate the appointment for the remainder of the year. *New*. Reinstatement

**6.**—(1) The council of any municipality not included in subsection 1 of section 5 may pass by-laws appointing one or more persons as local weed inspectors to enforce this Act in the area within its jurisdiction and fix the remuneration or other compensation for their services under this Act. R.S.O. 1950, c. 421, s. 5 (1), *part, amended*. Appointment of inspectors in towns, etc.

(2) Where persons are appointed local weed inspectors under subsection 1, they shall carry out their duties in co-operation with the county weed inspector and the county weed inspector may, when he deems it necessary, exercise all the powers of an inspector under this Act in that municipality. *New*. Co-operation with county inspector

**7.**—(1) The clerk of each municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every inspector for the municipality under this Act and the area for which each inspector is appointed. Clerk to report inspectors

(2) Where the council passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every inspector appointed and the area for which the appointment is made. Idem

(3) Where any person appointed by by-law under subsection 1 of section 5 resigns or the council revokes his appointment, the clerk of the municipality shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector. *New*. Idem

Inspectors in  
unorganized  
territory  
R.S.O. 1950,  
c. 372

8. Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall have the powers of an inspector, and the provisions of this Act and the regulations apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act are collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1950, c. 421, s. 6. *amended*.

Powers of  
inspectors

9. For the purpose of searching for noxious weeds or weed seeds, an inspector may at any time between sunrise and sunset enter upon any land and building other than a dwelling house in the area within his jurisdiction and inspect the land, and buildings, and any implements, machinery, vehicles and crops or other plants. R.S.O. 1950, c. 421, s. 7, *amended*.

Order for  
destruction  
of weeds

10.—(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds within such period of time as is necessary to prevent the weed seeds from ripening. R.S.O. 1950, c. 421, s. 9 (1), *amended*.

Time for  
destruction  
of weeds

(2) Every order shall be in the prescribed form and shall specify the time within which the noxious weeds or weed seeds shall be destroyed, but no order shall specify a time of less than seven days from the date of service of the order.

Service  
of order

(3) Every order shall be served upon every person named in the order,

(a) where the person to be served resides on the land, by leaving a copy thereof with the person or with any person over the age of sixteen years residing on the land, or by sending it by registered mail addressed to the person at his usual place of residence; or

(b) where the person to be served does not reside on the land, by leaving a copy thereof with him or by sending it by registered mail addressed to him at his usual place of residence.

Service  
on owner

(4) Every order in which the owner of land is not named shall be served on the owner in the manner set out in subsection 3.

Appeal to  
chief  
inspector

(5) Where any person deems himself aggrieved by an order served upon him, he may, within four days after service



of the order, appeal against the order or any requirements of the order to the chief inspector giving reasons for his objection to the order.

(6) The chief inspector may confirm, modify or revoke any order of an inspector and shall send a copy of the confirmation, modification or revocation of the order to the inspector who issued the order and to every person upon whom the order was served. *New.* Disposition  
of appeal

**11.** No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. *New.* Obstruction  
of inspectors

**12.—**(1) Where an order served under section 10 is not complied with, the inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed in the regulations. R.S.O. 1950, c. 421, s. 10, *amended.* Failure to  
comply with  
order

(2) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under subsection 1 with respect to each parcel of land in one possession, and he shall serve a statement thereof, together with a notice requesting payment, on the person in possession of the parcel and on the owner of the parcel. R.S.O. 1950, c. 421, s. 11 (1), *amended.* Expenses of  
inspectors

(3) The statement and notice shall be served in the same manner as an order under section 10. R.S.O. 1950, c. 421, s. 11 (2), *amended.* Service of  
statement  
of expenses

(4) If the person on whom a statement and notice were served under subsection 2 fails to pay the amount set out in the statement within fifteen days after the request for payment, the inspector shall present the statement to the council of the municipality in which the land is located, and the council, if the statement is proper, shall order it to be paid out of the general funds of the municipality. R.S.O. 1950, c. 421, s. 11 (4), *amended.* Failure  
to pay

(5) The council shall cause every amount paid under subsection 4 to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality in the same manner as for taxes under section 124 of *The Assessment Act*. R.S.O. 1950, c. 421, s. 11 (5), *amended.* Collection  
of costs  
  
R.S.O. 1950  
c. 24

**13.** Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation Destruction  
of weeds in  
subdivided  
areas

R.S.O. 1950,  
c. 24

in the municipality, may direct any of its inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding nine acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality, in the same manner as for taxes under section 124 of *The Assessment Act*. R.S.O. 1950, c. 421, s. 12, *amended*.

Notice to  
destroy by  
district  
inspector

**14.**—(1) Where a district weed inspector finds noxious weeds or weed seeds on any land within the limits of a municipality in his district, he may deliver or send by registered mail to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before a date specified in the notice.

Failure to  
comply with  
notice

(2) Where any such notice is not complied with, the district weed inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed by the regulations.

Recovery of  
expenses  
and charges

(3) The expenses incurred by a district weed inspector under subsection 2 shall be paid by the municipality concerned and are recoverable in any court of competent jurisdiction by the Minister in the name of Her Majesty as a debt due the Crown, and in any such action the certificate purporting to be signed by the Minister as to the amount of the expenses is conclusive proof thereof without proof of his authority or signature. R.S.O. 1950, c. 421, s. 14, *amended*.

Deposit of  
noxious  
weeds

**15.** No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place where the weeds or weed seeds might grow or spread. R.S.O. 1950, c. 421, s. 15, *amended*.

Cleaning  
machines

**16.** Where the moving of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or other handling or processing of farm crops is likely to cause noxious weeds or weed seeds to grow or spread, no person shall move or cause to be moved such machine without first removing all seeds and other residue therefrom. R.S.O. 1950, c. 421, s. 16, *amended*.

**17.** Every person in charge of a grain elevator, grist mill, <sup>Grain elevators, etc.</sup> flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed seeds in such manner as will prevent the weed seeds from growing or spreading. R.S.O. 1950, c. 421, s. 17.

**18.**—(1) No person shall operate a plant for the cleaning <sup>Licensing of seed-cleaning plants</sup> of grain or seeds for seed purposes without a licence therefor from the Minister.

(2) No fee is payable for a licence or any renewal thereof <sup>When no fee payable</sup> issued for a seed-cleaning plant that is used only for cleaning the grain and seed of the owner of the plant. R.S.O. 1950, c. 421, s. 18, *amended*.

**19.** Every person who fails to comply with or contravenes <sup>Penalty</sup> any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a second or subsequent offence to a fine of not less than \$25 and not more than \$100. R.S.O. 1950, c. 421, s. 19, *amended*.

**20.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup>lations,

- (a) designating plants as noxious weeds generally or in respect of any municipality;
- (b) prescribing the manner of and procedures for destroying noxious weeds and weed seeds, and providing for the circumstances and conditions under which noxious weeds and weed seeds may be destroyed under sections 12, 13 and 14;
- (c) respecting the transportation of farm produce that is infested with noxious weeds or weed seeds;
- (d) requiring methods and procedures that shall be taken to prevent the establishment of any noxious weed in any locality;
- (e) respecting the location and size of a seed-cleaning plant and the equipment required in its operation;
- (f) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for seed-cleaning plants and prescribing the fees payable for licences or the renewal thereof;

- (g) providing for the reimbursement of municipalities by the Province for any part of the moneys expended under this Act;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.  
R.S.O. 1950, c. 421, s. 20, *amended*.

R.S.O. 1950,  
c. 421,  
repealed

**21.** *The Weed Control Act* is repealed.

Commence-  
ment

**22.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**23.** This Act may be cited as *The Weed Control Act, 1960*.

CHAPTER 131

**An Act to provide  
for the Harvesting of Wild Rice**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Crown lands” means lands owned by Her Majesty in right of Ontario, and includes lands covered with water;
- (b) “Deputy Minister” means the Deputy Minister of Lands and Forests;
- (c) “licence” means a licence issued under this Act;
- (d) “Minister” means the Minister of Lands and Forests;
- (e) “resident” means any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act.

**2.** The administration of this Act shall be under the control and direction of the Minister.

Administra-  
tion of Act

**3.—(1)** Except under the authority of a licence, no person shall harvest or attempt to harvest wild rice on Crown lands.

Licences

(2) No person who is not a resident shall have a licence.

No licence  
to non-  
residents

(3) The issue of a licence is in the discretion of the Deputy Minister, subject to appeal to the Minister.

Issue of  
licence

(4) A licence may be issued on such terms and conditions as are deemed proper.

Terms and  
conditions



- Regulations      **4.**—(1) The Lieutenant Governor in Council may make regulations,
- (a) governing the issue, form, renewal, transfer, refusal and cancellation of licences and prescribing the fees payable therefor;
  - (b) dividing Ontario or any part thereof into wild rice harvesting areas and designating such areas by identifying numbers and initials;
  - (c) prescribing royalties payable on wild rice harvested;
  - (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- Idem                (2) Any regulation made under subsection 1 may be general or particular in its application territorially or as to time or otherwise.
- Offence            **5.** Every person who contravenes any provision of this Act or the regulations or any term or condition of his licence is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
- Commence-  
ment                **6.** This Act comes into force on the day it receives Royal Assent.
- Short title        **7.** This Act may be cited as *The Wild Rice Harvesting Act, 1960*.

## CHAPTER 132

## An Act to amend The Workmen's Compensation Act

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Workmen's Compensation Amendment Act, 1953*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1955*, is repealed and the following substituted therefor:

**4.** Section 3 applies where the death of the workman resulting from an injury occurred on or after the 2nd day of April, 1953, and on and after the 1st day of April, 1960, section 3 also applies where the death of the workman resulting from an injury occurred before the 2nd day of April, 1953.

**2.** Where the death of the workman occurred before the 2nd day of April, 1953, the increased amounts of compensation that are payable to the dependants entitled thereto as a result of the re-enactment of section 4 of *The Workmen's Compensation Amendment Act, 1953* by section 1 of this Act shall commence to be paid on the proper date for payment in the month of May, 1960.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1960*.



PART II  
PRIVATE ACTS

Chapters 133 to 176





## CHAPTER 133

## An Act respecting the Town of Ajax

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Town of Ajax by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 309 of the Town of Ajax and the agreement entered into by The Corporation of the Town of Ajax and Industrial Steam Limited, dated the 1st day of February, 1960, set forth as the Schedule hereto, are ratified and confirmed and declared to be legal, valid and binding on the parties thereto and the parties to the agreement are empowered to carry out the terms thereof. Agreement confirmed

**2.** Industrial Steam Limited is hereby granted the right to exercise its corporate powers and the powers of expropriation hereinafter conferred within the Town of Ajax, and the assent of the municipal electors of the Town of Ajax to the exercise of such powers is hereby dispensed with. Powers of Industrial Steam Ltd.

**3.** Industrial Steam Limited may, with the approval of the council of the Town of Ajax expressed by by-law, expropriate land within the Town of Ajax that may be required for its work, or any extension thereof, and the powers of expropriation hereby conferred shall be exercised under and in accordance with *The Railways Act*. Expropriation powers

R.S.O. 1950,  
c. 331

**4.—(1)** Paragraph 1 of the agreement, as set forth in the Schedule hereto, is amended by striking out "as if these presents had not been executed; provided, however, that the exercise of such option shall not affect or interfere with the existence of any rights or obligations which have arisen by virtue of this agreement up to the date said agreement is Agreement amended

rendered

rendered null and void aforesaid or anything done or omitted to be done pursuant to such rights or obligations" in the twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth lines.

**Idem** (2) Clause *b* of paragraph 21 of the said agreement is amended by striking out "provided, however, that nothing in paragraph 21 (*b*) shall affect the right of the Town to grant renewals as provided in paragraph 21 (*a*)" in the twenty-second and twenty-third lines.

**Idem** (3) Paragraph 23 of the said agreement is struck out.

**Renewal of agreement** **5.** Nothing in the said agreement authorizes The Corporation of the Town of Ajax to renew the agreement without the assent of the municipal electors in accordance with *The Municipal Franchises Act*.  
**R.S.O. 1950, c. 249**

**Jurisdiction of Municipal Board** **6.** The Ontario Municipal Board shall have jurisdiction and power to act in accordance with the terms of the said agreement.

**Insurance** **7.** Industrial Steam Limited shall at all times during the continuance of the said agreement or any renewal or extension thereof maintain insurance in such amount as may from time to time be required by resolution of the council of the Town of Ajax against any liability that Industrial Steam Limited may incur for any loss, injury or damage to any person or property caused by the construction, relocation, maintenance or operation of its steam distribution system.

**Ontario Fuel Board** **8.** The references to the Ontario Municipal Board in paragraph 10 of the said agreement shall be deemed to be a reference to the Ontario Fuel Board.

**Commencement** **9.** This Act comes into force on the day it receives Royal Assent.

**Short title** **10.** This Act may be cited as *The Town of Ajax Act, 1960*.

## SCHEDULE

## THE CORPORATION OF THE TOWN OF AJAX

## BY-LAW No. 309

A BY-LAW authorizing the execution of an Agreement between The Corporation of the Town of Ajax and Industrial Steam Limited.

THE COUNCIL of The Corporation of the Town of Ajax enacts as follows:

1. The Agreement dated the First day of February, A.D. 1960, between Industrial Steam Limited of the first part and The Corporation of the Town of Ajax of the second part, a copy whereof is set out in Schedule "A" to this By-law, is hereby adopted, approved, ratified and confirmed.

2. The Mayor and Clerk are hereby authorized and directed to execute the said Agreement on behalf of the said Corporation and to affix the corporate seal thereto.

READ a first time this First day of February, 1960.

READ a second time this First day of February, 1960.

READ a third time and finally passed this First day of February, 1960.

W. A. PARISH,  
*Mayor.*

B. C. FALBY,  
*Clerk.*

*Schedule "A" to By-law No. 309*

THIS AGREEMENT made in triplicate this First day of February, A.D. 1960.

BETWEEN:

INDUSTRIAL STEAM LIMITED,  
(hereinafter called the "Licensee"),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF AJAX,  
(hereinafter called the "Town"),

OF THE SECOND PART.

WHEREAS the Licensee has applied to the Town for a licence to operate and maintain a steam distribution system situate within the corporate limits of the Town;

AND WHEREAS it has been deemed advisable to grant such a licence to the Licensee subject to the terms, conditions and provisos hereinafter contained, it being agreed between the parties hereto that the fulfilment of said terms, conditions and provisos is a condition precedent to the granting of this franchise by the Town to the Licensee, and upon the non-fulfilment of any term, condition or provision hereinafter set out, then it is agreed that this agreement, at the option of the Town, shall be null and void, as if the same had never been executed, as hereinafter provided;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements, the parties hereto mutually covenant and agree the one with the other as follows:

1. The Town hereby grants permission to the Licensee to operate, maintain, alter, extend and construct a central steam heating plant and underground steam distribution system, subject to the provisions of paragraphs 2 and 3 hereof, within the corporate limits of the Town, subject to the fulfilment by the Licensee of the terms, conditions and provisions hereinafter contained, which terms, conditions and provisions and the fulfilment thereof are conditions precedent to the exercise, enjoyment and existence of the rights, powers and privileges hereby granted by the Town to the Licensee. It is hereby agreed between the parties hereto that the non-fulfilment of any term, condition or provision by the Licensee shall, subject to the provisions of paragraph 22 hereof, render this agreement, at the option of the Town, null and void as if these presents had not been executed; provided, however, that the exercise of such option shall not affect or interfere with the existence of any rights or obligations which have arisen by virtue of this agreement up to the date said agreement is rendered null and void aforesaid or anything done or omitted to be done pursuant to such rights or obligations.

2. Notwithstanding paragraph 1 hereof and subject to paragraph 3 hereof, the Licensee is hereby granted permission to lay, construct, extend, replace, operate and use lines of pipes and appurtenances thereto under all streets and public places for the purpose of distribution of steam for heat and processing; provided, however, appurtenances may extend up to grade level or, with the consent of the Town Engineer, above grade level.

3. Notwithstanding paragraph 1 hereof, the Licensee is hereby granted permission to operate and use lines of pipes and appurtenances thereto which at the date of this agreement are not installed underground; provided, however, that the Licensee shall on or before the 30th day of April, 1965, remove or install underground all lines of pipes and appurtenances thereto situate upon streets and public places which at the date of this agreement are not installed underground; provided further that all lines of pipes and appurtenances thereto which at the date of this agreement are not installed underground shall be removed or installed

underground



underground before any renewal or extension of this agreement becomes effective; provided further that the steam line presently unused and running from the point of disconnection from the live lines at or near Monarch Avenue between Hunt Street and Bayly Street, thence easterly towards Harwood Avenue to a point approximately 700' from Harwood Avenue, thence southerly and more or less parallel to Harwood Avenue to a point near the north limit of Third Street, shall be dismantled and removed on or before the First day of September, 1960; provided further that all lines of pipes and appurtenances thereto which may be constructed from and after the date of this agreement shall be installed underground, save and except appurtenances only which may extend up to grade level, or, with the consent of the Town Engineer, above grade level; provided further that lines of pipes and appurtenances thereto may be installed at or above grade level within ten (10) feet of any building of a consumer; provided further that lines of pipes and appurtenances thereto situate within wholly enclosed buildings or situate within 100' of the main walls of the existing steam plant building may be installed up to or above grade level. It is hereby agreed between the parties that should the Licensee make default of any of the provisions of this paragraph, such default shall not be capable of remedy as set out in paragraph 22 of this agreement; provided, however, that the Licensee shall be absolved from its obligations as set out in this paragraph, when and to the extent that the Licensee is delayed, hindered or prevented by any cause (except financial) beyond the reasonable control of the Licensee including fire, explosions, strikes, walkouts and inability to obtain labour and material.

4. (a) Except in the case of existing lines of pipe and appurtenances, the Licensee shall use lines of pipe and appurtenances thereto which at the date of installation comply with the standards as laid down in the American Standard Code for pressure piping A.S.A. B 31.1, 1955, as the same may be amended from time to time and such lines of pipe and appurtenances shall be approved by the Town Engineer before the same are put into operation by the Licensee.

(b) The maximum pressure which shall be applied to any pipe or appurtenance thereto shall not exceed the capacity for which the same were designed in accordance with the standards hereinbefore referred to; provided, however, this clause shall not apply to any tests carried out under the supervision of any regulating authority or of the Town Engineer.

5. (a) The Town Engineer shall furnish to the Licensee from time to time such plans as the Town Engineer may have in his possession as to the location of municipal services for the purpose of enabling the Licensee to construct lines of pipes and appurtenances; provided, however, that the Town shall not be responsible or liable for any damage or loss which may occur by reason of the reliance of the Licensee upon the accuracy of such plans. The Licensee, in consideration of the Town executing these presents, hereby undertakes to hold harmless and agrees to indemnify the Town from any liability incurred by the Town by reason of the furnishing of such plans by the Town Engineer.

(b) The Licensee, before constructing or attempting to construct any pipes and/or appurtenances thereto on or under any streets or public places, shall make application to the Town Engineer in a form approved by the Town, for a permit to carry out said construction. The application shall be accompanied by a plan or plans showing the plan and profile of the proposed lines of pipe and/or appurtenances together with a plan of the location of all other municipal services on the street and/or public place insofar as such information is available named in the said application. No such construction shall be commenced by the Licensee until a permit has been issued by the Town Engineer in regard to said construction. Construction authorized by the issuance of a permit must be commenced within six (6) months of the date of the permit, otherwise the permit shall be null and void and the Licensee shall make another application for a permit in regard to said construction not so commenced. Following commencement of construction the Licensee shall proceed to complete the construction in as expeditious a manner as possible having regard to the circumstances.

(c)



(c) The Town Engineer shall have a reasonable time within which to consider any application made pursuant to the provisions of paragraph 5 (b) hereof and to issue or refuse to issue a permit therefor. If the Town Engineer refuses a permit he shall state his reasons for so doing and the Licensee shall have the right to dispute the sufficiency of such reasons.

(d) The Licensee shall notify in writing the Town Engineer at least ninety-six (96) hours prior to the breaking up or interfering with any street or public place by the Licensee for any of the purposes authorized by this agreement. No more than five hundred (500) feet of any one street or public place shall be broken up at any one time by the Licensee, unless the permission in writing of the Town Engineer has been granted.

(e) The Licensee shall, prior to commencement of construction of any lines of pipe and appurtenances on any property, other than a street or public place, ascertain from the Town Engineer the location of any municipal services therein and shall ensure that such construction does not interfere with any municipal services the existence of which shall have been notified to the Licensee by the Town Engineer. The Licensee shall deposit with the Town Engineer at least forty-eight (48) hours before construction on property other than streets and public places, plans and specifications which will show, inter alia, the location of lines of pipes and appurtenances thereto to be constructed and specifications of lines of pipes and appurtenances thereto to be constructed in a form satisfactory to the Town Engineer.

(f) The Licensee shall file with the Town Engineer within thirty (30) days of the completion of the construction, final plans showing the exact location of any pipes and/or appurtenances. All construction for which a permit has been issued shall be constructed in conformity with and agree with the plan or plans thereof submitted to the Town Engineer with the application for the said permit.

6. The Licensee, on or before the execution of this agreement, shall deposit with the Treasurer of the Town a letter of credit from any Chartered Bank in Canada in the sum of \$2,000.00 in Canadian currency and approved by the Town to serve as a continuing guarantee that within a reasonable time the Licensee shall restore the streets and public places, and the sub-soil and the surface thereof, to a condition equally as good as before being disturbed by the Licensee, and if the Licensee shall fail, refuse or neglect so to restore within a reasonable time after notice in writing by the Town, then the Town may restore as aforesaid, and the cost thereof shall be payable by the Licensee to the Town and the Town may draw on such letter of credit to the extent of such cost, and the Licensee shall forthwith furnish a further letter of credit approved by the Town in an amount equal to that drawn by the Town; provided, however, that the Town shall not be deemed to be the agent or contractor of the Licensee, and provided further that the said restoration by the Town shall be without prejudice to any other rights of the Town under this agreement. Such restoration shall be done to the satisfaction of and shall be subject to the inspection and approval of the Town Engineer.

7. The Licensee shall not tap or connect with any storm sewer in a street or public place occupied by any pipe and/or appurtenance thereto owned by the Licensee, and the trenches in which same are laid, until the Licensee shall obtain the written consent of the Town Engineer. The said tapping and connecting shall be done to the satisfaction of and shall be subject to the inspection and approval of the Town Engineer. The Town Engineer shall consent or refuse to consent to such tapping or connection within a reasonable time and shall specify his reasons for any refusal to consent and the Licensee shall have the right to dispute the sufficiency of such reasons.

8. The Licensee shall provide steam for heating and processing as in this agreement set out, continuously and without interruption; provided, however, that in the case of pipes supplying steam for the purposes of heating only, the Licensee shall supply steam continuously and without interruption from the 15th day of September in each year to the following 15th day of June, save and except steam used for heating water.

9. Where the Licensee has a sufficient supply of steam the Licensee shall supply all premises within the corporate limits of the Town situate upon lands lying along the line of its pipes upon the request of the owner, occupant or other person in charge of any such premises.

10. (a) The Licensee shall, if required in writing by the Town, as expeditiously as possible prepare a tariff of maximum rates to be charged by the Licensee for the supply of steam and the manner in which the said rates shall be paid by the consumer, which tariff before becoming operative shall be approved by the Ontario Municipal Board or its successor. Nothing herein contained shall affect any contract for the supply of steam now in effect or hereafter entered into by the Licensee prior to the approval of the said tariff as herein provided for. No rate or charge for the supply of steam shall be imposed by the Licensee upon a consumer in excess of the tariff of maximum rates aforesaid. The Licensee shall have the right from time to time to amend the said tariff provided that no such amendment shall come into effect until approved by the Ontario Municipal Board at a public hearing.

(b) The Licensee shall deliver, forthwith upon demand, to any person a copy of its tariff of rates for the time being in effect, without charge.

11. (a) The Licensee shall store any fuel used in connection with any steam heating plant in an area to be wholly enclosed by a fence of a height not less than six (6) feet.

(b) The Licensee shall not operate the steam distribution system in a manner so as to create a nuisance.

(c) In this section,

- (i) "Dust" means gas-borne and air-borne particles larger than 10 microns in mean diameter;
- (ii) "Fly-ash" means fine solid particles, consisting mostly of incom-bustible material, that are entrained in and carried by the gaseous products of combustion;
- (iii) "Fumes" means gases or vapours that are of such character as to create an unclean, destructive, offensive or unhealthful condition;
- (iv) "Ringelmann Smoke Chart" means the Ringelmann smoke chart published by the United States Bureau of Mines or facsimile when the same is used in accordance with the instructions published by the said Bureau;
- (v) "Smoke" means small gas-borne particles consisting essentially of carbonaceous material in sufficient number to be observable;
- (vi) "Soot" means agglomerated particles consisting essentially of carbonaceous material.

(d) The Licensee shall not discharge or permit to be discharged or emit or permit to be emitted to the atmosphere, smoke, dust, fly-ash, soot, fumes, or other solids or gaseous products of combustion, the shade or appearance of which is equal to or greater than No. three Ringelmann Smoke Chart or so dense that it cannot be seen through at the point of emission or discharge, for a period of or periods aggregating six (6) minutes in any one hour, or the shade or appearance of which is equal to or greater than No. two Ringelmann Smoke Chart, or so dense as to be dimly seen through at the point of emission or discharge, for a period of or periods aggregating ten (10) minutes or more in any one hour.

12. The Licensee shall grant access to the Town, its officers, servants, employees and agents and the Town Engineer at all reasonable times to enter into and upon the property, buildings, plant, pipes and appurtenances thereto for the purpose of inspection; provided that the Licensee shall not be responsible for any injury to or death of any person to whom access is granted unless the same is caused by the negligence of the Licensee, its servants or agents or by any breach of this agreement by the Licensee.

13. The Licensee shall use a uniform method of keeping accounts, records and books, which shall contain all details of the finances and business of the Licensee relating to the steam system.

14. The Council of the Town may determine by resolution the amount of the fee or fees to be paid to the Town for any permit or permits in this agreement set out, and may alter by resolution from time to time the amount of said fee or fees; provided, however, that the fee or fees shall not be greater than those imposed on other public utilities for like purposes having regard to the services or work to be performed by the Town in connection with such permit.

15. The Licensee shall be subject to, and liable for payment of, all municipal taxes, rates, charges and assessments of any kind whatsoever, levied, imposed, rated and struck by the Council of the Town, the Hydro Commission of the Town, and any other body or authority so authorized, from time to time.

16. The Council of the Town by resolution from time to time may order the relocation of lines of pipes and appurtenances thereto on any street or public place. The Licensee shall furnish to the Town all relevant information it may have in its possession relevant to such relocation. Relocation shall be planned so as not to deprive any consumer of supply except during construction. The Licensee, within a reasonable time, having regard to the circumstances, after the receipt by it of plans and profiles from the Town Engineer setting out details of said relocation, shall commence the construction of said relocation and shall carry out same continuously in as expeditious a manner as possible having regard to the circumstances. Save as in this section set out, the provisions of this agreement applying to construction shall apply to said relocation. The costs of any relocation requested by the Town aforesaid, shall be paid by the Town; provided, however, the Town shall not be liable in any way for any loss or damage which may be caused by reason of any relocation save and except the actual costs of construction in regard to said relocation, and save and except where such loss or damage necessarily results from the Licensee's compliance with the order of the Town or any directions of the Town Engineer and it is expressly understood and agreed that the Town shall not be liable for any steam loss (including line loss) or any loss or damage resulting from the omission or negligence of the Licensee, its contractors, servants or agents.

17. Nothing in this agreement set out shall interfere in any way with any right or privilege in the Town, or the jurisdiction of the Town, which it had, prior to the execution of these presents, in any street or public place, nor shall it interfere with in any way any right, privilege or jurisdiction which the Town may have in any street or public place by virtue of future statutory enactment or judicial decision; provided, however, that nothing contained in this paragraph 17 shall affect any right or privilege granted or any liability assumed by the Licensee hereunder.

18. This agreement shall not interfere with in any way the right or privilege of any other person, who now has, or may hereafter have, to take up or otherwise use any street or public place.

19. The Licensee, notwithstanding this agreement, shall be subject to all laws, rules, regulations and by-laws of all Legislative or municipal authorities or bodies as if this agreement had never been executed; provided, however, that the assent of electors of the Town to this franchise need not be required and further provided that nothing contained in this paragraph 19 shall affect any right or privilege granted to or any liability assumed by the Licensee hereunder.

20. (a) The Licensee shall at all times wholly indemnify and save harmless the Town from and against all loss, damage, injury and expense which the Town might sustain or be liable for by reason of any damage or injury to any person or property caused by the construction, relocation, maintenance and operation by the Licensee of the steam distribution system save and except any express obligations assumed by the Town hereunder.



(b) The Licensee, on or before the execution of these presents, shall deposit with the Clerk of the Town an insurance policy in form and with insurers approved by the Town in the sum of \$200,000.00 insuring the Licensee and the Town against all claims and actions referred to in this paragraph and the Licensee will indemnify and reimburse the Town of all costs and expenses incurred by the Town in connection with said claims and actions and shall furnish a further policy approved by the Town for the same sum at any time during the life of this agreement if and when the Town deems such further policy necessary for the protection of the Town as required by a resolution of the Council of the Town; provided, however, that the Licensee may replace the said policy with another policy in a form approved by the Town and this right shall continue from time to time.

21. (a) The term of this agreement shall be for a period of twenty (20) years from its effective date as determined by the Act of the Ontario Legislature approving and ratifying this agreement; provided, however, that in the event the Licensee makes default in any of the provisions of this agreement prior to said date, then this agreement shall, subject to the provisions of paragraph 22 hereof, be terminated as of the date of said default at the option of the Town. In the event that the Licensee wishes to renew this agreement, the Licensee shall notify the Town in writing prior to the termination date of this agreement or the termination date of any renewal of this agreement, that the Licensee desires a renewal thereof for a further period of time. The Town may, but shall not be obligated to, renew by By-law this agreement from time to time for periods of time not exceeding twenty (20) years at any one time; provided, however, that "renew" shall also include renewal of this agreement as it may be amended.

(b) Provided, however, from and after the fifth anniversary of this agreement, in the event that the Licensee shall desire to expend such an amount of monies in regard to capital improvement relating to the steam distribution system that the Licensee desires an extension of time of this agreement to recover the amount of said payment through ordinary business operations, the Licensee may apply to the Ontario Municipal Board for an Order extending this agreement for any period of time up to but not exceeding twenty (20) years from the date of the Order of the Ontario Municipal Board authorizing such extension; provided, however, that the Ontario Municipal Board shall not make such Order until the Licensee has satisfied the Board at a public hearing in regard to this matter that the circumstance in which the capital improvement expenditure is proposed to be made warrants such an extension of this agreement as a public convenience and necessity; and provided further that should the Licensee fail to commence construction in regard to the capital improvement expenditure which is the subject matter of the application to the Ontario Municipal Board within six (6) months of the date of the Order of said Board extending this agreement, then said Order shall be deemed to be null and void; and provided further that in any event no Order or Orders of the Ontario Municipal Board extending this agreement shall so extend this agreement beyond the 31st day of December, 1990; provided, however, that nothing in paragraph 21 (b) shall affect the right of the Town to grant renewals as provided in paragraph 21 (a).

(c) The Licensee may at any time terminate this agreement by giving to the Town two (2) years written notice of its intention so to do.

22. Notwithstanding anything herein contained, the Licensee shall not be in default of any of the provisions of this agreement unless the Town shall have given the Licensee written notice of any event of default and the Licensee shall have failed to remedy such event of default as expeditiously as possible having regard to the circumstances after receiving such notice. Non-performance by virtue of any cause (except financial) beyond the reasonable control of the Licensee including fire, explosions, strikes, walkouts and inability to obtain labour and material shall not be deemed as a default so long as such cause exists. The Town may appeal to the board of arbitration as hereinafter set out should it be of the opinion that the Licensee is not remedying any default as expeditiously as possible having regard to the circumstances after having

received said notice and in the event that the board of arbitration finds that the Licensee is not remedying as aforesaid then the said board shall so order and the Licensee shall not be entitled to remedy such a default as herein set out.

23. This agreement may be amended from time to time by an amending agreement executed by the parties hereto and approved by By-law of the Council of the Town.

24. The Licensee shall forthwith commence the operation of the steam system upon the date that this agreement becomes effective as provided in paragraph 21 (a) herein.

25. (a) The decision of the Town Engineer in regard to any matter set out in paragraphs 4, 6, 11 (a), (c) and (d) and 16 shall be final and binding upon the parties herein without right of appeal. Either party to this agreement, in regard to a dispute arising out of any matter herein, save and except in paragraphs 4, 6, 11 (a), (c) and (d) and 16, may appeal to a board of arbitration as hereinafter constituted. There may be an appeal from the decision of a board of arbitration to the Ontario Municipal Board which shall have jurisdiction to hear and determine such appeals and such determination shall be final and binding upon the parties herein without right of appeal.

(b) In any dispute or complaint which may be appealed to a board of arbitration in this agreement, the party herein wishing to take the dispute or complaint before the board of arbitration shall notify the other party herein in writing of its intention so to do, and which notice in writing shall set out the complaint or dispute, and unless such dispute or complaint is amicably settled within a period of time to be stated in such notice the dispute shall be referred to arbitration. Within forty-eight (48) hours after the expiry of such period of time each party shall appoint one arbitrator and the two arbitrators so appointed, within forty-eight (48) hours of the time of last appointment of the first two arbitrators, shall appoint a third arbitrator and the three arbitrators shall constitute the board of arbitration. Should either party fail to appoint an arbitrator within the time mentioned, then the arbitrator named by the other party shall constitute the board of arbitration. Should the third arbitrator be not appointed by the first two arbitrators within the time set out herein, then the party herein seeking arbitration shall apply within seven (7) days of said non-appointment to a Judge of the County Court of the County of Ontario from time to time, for the appointment by said Judge of said third arbitrator. The board of arbitration shall forthwith hold a hearing regarding the dispute or complaint and shall notify the parties herein in writing of the decision of the board of arbitration in regard to said hearing as soon as reasonably possible following the termination of the hearing. The majority decision of the board of arbitration shall be final and binding upon the parties herein without right of appeal, save as herein set out.

(c) Where at a hearing of the board of arbitration of which due notice has been given, no proceedings are taken in consequence of the absence of any party, or of a postponement at the request of any party, the board of arbitration shall make up an account of the costs of the hearing, including the proper charges for its own attendance and that of any witnesses and of the counsel or the solicitor of the party present and not desiring the postponement and unless in the special circumstances of the case the board of arbitration thinks that it would be unjust so to do, the board of arbitration shall charge the amount thereof or of the disbursements against the party in default or at whose request the postponement is made and the last mentioned party shall pay the same to the other party whatever may be the decision of the board of arbitration after completing the hearing, and the board of arbitration shall, in its decision, make any direction necessary for that purpose, and the amount so charged may be set off against and deducted from any amount awarded in his favour.

(d) If any arbitrator or the third arbitrator refuses to act or is incapable of acting or dies, the party or the arbitrators or Judge by whom he was appointed, may appoint an arbitrator or a third arbitrator as



the case may be in his stead and this power may be exercised from time to time as vacancies occur.

(e) The parties to the hearing shall submit to be examined by the board of arbitration on oath, anything relating to the matters in dispute and shall produce before the board of arbitration books, deeds, papers, accounts, writings, documents and things within their possession or power respectively, which may be required or called for and do all other things which during the hearing the board of arbitration may require.

(f) The witnesses at the hearing shall be examined on oath.

(g) The costs of the hearing shall be in the discretion of the board of arbitration, who may direct to and by whom and in what manner the costs of any part thereof shall be paid. The fees chargeable by the board of arbitration shall be in accordance with the tariff in Schedule B of *The Arbitration Act*, R.S.O. 1950, chapter 20 and as it may be amended from time to time.

(h) No party may appeal a dispute or complaint to the board of arbitration until all costs in previous arbitration proceedings as set out in the decision of the board of arbitration have been paid by the said party.

(i) Either party to an arbitration before a board of arbitrators shall be entitled to appeal the decision of the board to the Ontario Municipal Board by written notice to the other given within fourteen (14) days of the date of the decision of the board of arbitrators and the Ontario Municipal Board shall have like powers and jurisdiction in regard to the hearing of said appeal as have been conferred by this agreement upon the board of arbitration herein.

(j) In the event that a complaint or dispute is appealed as in this section set out, during the period of time of appeal, should any construction interfere in any way with the use of public streets and property, the Licensee shall immediately upon receipt of written notice from the Town Engineer that such use is being interfered with, forthwith carry out such construction as may be necessary in order that normal use of public streets may be made during the period of time of appeal.

(k) Save as herein set out, the said Arbitration Act shall not apply herein, save and except sections 1 (a), (b) and (c), 9 (a) and (c), 14, 19, 25 and 28 thereof where same are not inconsistent with the terms of this agreement.

26. Notwithstanding termination of this agreement in any manner, it shall be deemed to be in full force and effect for the purpose only of completing any matter which at the date of said termination has not been completed, nor shall any such termination interfere with in any way any right which the Town may have by virtue of paragraphs 5, 6, 12, 16, 20, 25, 27 and 30 herein.

27. Any notice required to be given herein shall be sufficiently given if delivered to the Clerk of the Town either personally or sent by prepaid registered mail addressed to the Clerk of the Town in care of the Municipal Offices, Ajax, Ontario, and, if delivered personally, to or sent by prepaid registered mail addressed to the Secretary of the Licensee, 49 Jackes Avenue, Toronto, Ontario, or delivered personally to any other officer of the Licensee, and such notice shall be deemed to have been received on the date it was so delivered or mailed.

28. In this agreement,

(a) "Approval of the Town" shall mean approval of the Council of the Town in the form of a resolution of said Council;

(b) "Approved by the Town" shall mean approval of the Council of the Town in the form of a resolution of said Council;

(c)

- (c) "Appurtenances" shall mean any and all accessories used by the Licensee in the supply of steam, excepting thereout any steam heating plants and all lines of pipes, and without limiting the generality of the foregoing, shall include manholes, tunnels, concrete structures, expansion joints, loops, safety valves, stop valves, automatic stop and check valves, flow-down valves, reducing valves, meters, all pipe fittings, and insulating materials and enclosures;
- (d) "Capital improvements" shall mean costs chargeable to capital account in accordance with generally accepted accounting principles;
- (e) "Consumer" shall mean any person who uses, or intends to use, or will use, steam supplied by the Licensee;
- (f) "Construct" shall include repair, install, excavate and back-fill;
- (g) "Construction" shall include repair, installation, excavation and back-filling;
- (h) "Council" shall mean the Municipal Council of the Town of Ajax;
- (i) "Heating steam" shall mean steam other than processing steam;
- (j) "Install" shall mean construct;
- (k) "Municipal services" shall include all lines of pipes and/or appurtenances and wire thereto of any steam, telephone, gas or electric utility and all water pipes, storm sewers and sanitary sewers of the Town;
- (l) "Person" shall mean any person, firm or corporation;
- (m) "Plan" shall include profiles and specifications;
- (n) "Processing steam" shall mean steam used directly in the manufacture or assembling of anything capable of being manufactured or assembled;
- (o) "Steam distribution system" means the central steam heating plant or plants, and lines of pipe and appurtenances thereto and generally all lands, premises, equipment and fuels of the Licensee used in the supply of steam;
- (p) "Street" shall include all highways, lanes, alleys, squares, crescents, avenues, drives and roads within the corporate limits of the Town;
- (q) "Town" shall mean The Corporation of the Town of Ajax;
- (r) "Town Engineer" shall mean the person appointed by the Town from time to time as Town Engineer;
- (s) "Without right of appeal" means that the decisions, orders and rulings of the Town Engineer and/or the board of arbitration and/or the Ontario Municipal Board, as the case may be, shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus or other process or proceedings in any court of law, or be removed by certiorari or otherwise into any court of law, and shall also include the issue whether or not any dispute is a matter of arbitration.

29. This agreement shall come into force and effect upon receiving the authority and confirmation of an Act of the Ontario Legislature empowering the parties to carry out and perform the same. In the event of such Legislation not being obtained, this agreement shall be null and void.

30. This agreement shall enure to and be binding upon the parties hereto, their successors and assigns.

31. Time shall be of the essence of this agreement.

32. (a) It is understood and agreed that each of the parties hereto will support an application for a Special Act to approve and validate this agreement.

(b) The Licensee shall pay all reasonable costs, charges, fees and expenses of the Town and of its solicitor of, and incidental to, the preparation and execution of this agreement, the preparation and passing of the By-law of the Town relating to this agreement, and the application to the Ontario Legislature for passage of the Private Bill herein recited, said payment by the Licensee to the Town to be made within thirty (30) days of the date of the passing of the said Private Bill. In the event that said Bill is not passed, then the Licensee shall pay all costs, charges, fees and expenses within thirty (30) days of receipt by it of the account for same.

(c) It is understood and agreed by and between the parties hereto that the Licensee may include within the application for a Special Act, a clause or clauses requesting that the Licensee be granted the powers of expropriation conferred on a municipal corporation by Parts I and II of *The Public Utilities Act*, R.S.O. 1950, chapter 320, provided that the powers of expropriation conferred shall be exercised only and in accordance with *The Railways Act*, R.S.O. 1950, chapter 331, and it is expressly acknowledged by the Licensee that such request is being made solely for the purposes of the Licensee and that the Town will not be asked to support the request for such powers.

IN WITNESS WHEREOF the "Licensee" of the First Part hereto has hereunto set its Corporate Seal at the City of Toronto, this First day of February, A.D. 1960.

INDUSTRIAL STEAM LIMITED:

W. M. DOYLE,  
*Secretary.*

LOUIS CHARLES,  
*Vice-President.*

IN WITNESS WHEREOF the "Town" of the Second Part hereto has hereunto set its Corporate Seal at the Town of Ajax this First day of February, A.D. 1960.

THE CORPORATION OF THE TOWN OF AJAX:

W. A. PARISH,  
*Mayor.*

B. C. FALBY,  
*Clerk.*



CHAPTER 134

An Act respecting the City of Barrie

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Barrie by Preamble  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is deemed  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) Notwithstanding any special or general Act, Cost of local improvements R.S.O. 1950, c. 215  
where a person has been required to pay the entire cost of  
any work, as defined in *The Local Improvement Act*, pursuant  
to the provisions of the by-laws of The Corporation of the  
City of Barrie or the by-laws of The Public Utilities Commis-  
sion of the City of Barrie and the work is in a highway upon  
which lots abut directly that are not owned by the person  
who has paid the entire costs thereof, The Corporation of  
the City of Barrie and The Public Utilities Commission of  
the City of Barrie shall not be required to permit the owners  
of such lots to connect to or use such works until the cost  
has been paid by such owners according to the extent of their  
respective frontages thereon, determined by an equal charge  
per foot of such frontage.

(2) The following may be included in the cost of the work: what included in cost

- 1. The actual cost paid.
- 2. Interest.

**2.** Where the work mentioned in section 1 is the opening Building permits  
of a street, curbs and gutters or sidewalks, The Corporation  
of the City of Barrie shall not be required to issue a building  
permit for such lots until such cost has been paid.

**3.** The Corporation of the City of Barrie and The Public Repayment to person who paid cost in first instance  
Utilities Commission of the City of Barrie, when they receive  
payment of the frontage charges mentioned in section 1, shall

repay



repay the same to the person who in the first instance paid for the entire cost of the work.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The City of Barrie Act, 1960*.

## CHAPTER 135

## An Act respecting the City of Belleville

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Belleville, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

## PART I

## FLOATING INDEBTEDNESS

**1.** Notwithstanding any general or special Act and subject Floating indebtedness debentures and special rates for payment thereof  
to the approval of the Ontario Municipal Board first being  
obtained, the council of the Corporation may pass by-laws,

- (a) providing for the issue of debentures of the Corporation in an aggregate principal amount not exceeding the amount of all floating indebtedness, whether or not legally incurred, of the Corporation outstanding as at December 31, 1959, and not provided for in the estimates of the Corporation for the year 1959 and preceding years, excluding that portion of such floating indebtedness that was incurred in connection with the acquisition of lands and premises, and the improvement and maintenance thereof, for public parking purposes, such debentures to be repayable in the years 1960 to 1964, both inclusive;
- (b) providing for the issue of debentures of the Corporation in an aggregate principal amount not exceeding the total amount of floating indebtedness, whether or not legally incurred, of the Corporation outstanding as at December 31, 1959, that was incurred in connection with the acquisition of lands and premises,

and

and the improvement and maintenance thereof, for public parking purposes, such debentures to be repayable over such number of years as the Ontario Municipal Board may approve;

- (c) providing for the levying of a special rate or rates in the year 1960 on all the assessment for property and business assessment in the City of Belleville according to the last revised assessment roll of the Corporation, except property and business assessment in those areas annexed to the City of Belleville on the 1st day of January, 1959, for the purpose of payment of that portion of the debentures issued under clause *a* in respect of such floating indebtedness as was incurred prior to the 1st day of January, 1959, and interest on such portion of the debentures;
- (d) providing for the levying of a special rate or rates in the year 1960 on all the assessment for property and business assessment in the City of Belleville according to the last revised assessment roll of the Corporation for the purpose of payment of the remainder of such debentures, issued under clause *a*, and interest thereon;
- (e) providing for the payment of such special rates in equal instalments in the years 1960 to 1964, both inclusive, and providing for commutation for payment in cash of such annual instalments, and providing for the collection of such special rates, all on such terms and conditions as the by-law or by-laws specify.

Parking  
authority,  
rates and  
charges

**2.** The Parking Authority of the City of Belleville, in fixing the rates and charges for the use of parking facilities under its control and management so that the revenue therefrom shall be sufficient to make such parking facilities self-sustaining, shall have regard to the payments of principal and interest required to be made in respect of the debentures to be issued under the by-law provided for in clause *b* of section 1.

Application  
of special  
rate  
receipts

**3.** The special rates imposed by by-law under clauses *c* and *d* of section 1 and any payments in commutation thereof shall form a special fund for the payment of the debentures issued under the by-law provided for in clause *a* of section 1 and the interest thereon and shall not be applicable to or be applied for any other purpose.

Special  
rates  
deemed  
taxes

**4.** The special rates imposed by the by-laws referred to in clauses *c* and *d* of section 1 shall for all purposes of every Act be deemed to be municipal taxes imposed in the year 1960

except

except that no taxpayer shall be deemed to be in default in respect of any such rate if he pays on or before the due date the instalments as provided for in the by-law imposing such rate.

5. The by-laws referred to in clauses *c* and *d* of section 1 may contain provisions with respect to the charging of interest and penalties on unpaid instalments in the same manner as may be provided with respect to unpaid taxes and may contain such further and other provisions as the council of the Corporation considers necessary to properly carry out the provisions of this Part and as are approved by the Ontario Municipal Board.

Penalties and interest

6. Notwithstanding any general or special Act, the Corporation shall be deemed to have had power to enter into the undertakings in respect of which the floating indebtedness referred to in clauses *a* and *b* of section 1 was incurred, and in respect of which the Ontario Municipal Board has approved the issue of debentures pursuant to section 1, and shall be deemed to have legally incurred such floating indebtedness.

Power to enter into undertakings and to incur floating indebtedness

7. The by-laws referred to in section 1, when passed after the approval of the Ontario Municipal Board, shall be and are hereby declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Validation of by-laws

8. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* apply in respect of the by-laws referred to in clauses *a* and *b* of section 1 and the debentures to be issued thereunder.

Application of R.S.O. 1950, c. 262, ss. 61-64

9. Without limiting the generality of section 4, sections 50 and 51*a* of *The Assessment Act* shall apply, but section 51 of that Act shall not apply, with respect to the rates imposed by the by-laws referred to in clauses *c* and *d* of section 1.

Application of R.S.O. 1950, c. 24, ss. 50, 51, 51*a*

PART II

BUS TRANSPORTATION SYSTEM

10. The council of the Corporation is hereby authorized,

(a) subject to the approval of the Minister of Municipal Affairs, to grant a franchise to any person to provide and operate a passenger bus transportation system within the limits of the City of Belleville, and to enter into an agreement with such person to establish the terms and conditions of the granting of such

Establishment of passenger bus transportation system

franchise,

franchise, which agreement may provide for the payment by the Corporation of a subsidy to such person;

- (b) to establish, maintain, extend and operate a passenger bus transportation system, hereinafter called the "system", within the City of Belleville and, without limiting the generality of the foregoing for such purposes,
  - (i) to enter into a contract for the acquisition by immediate purchase or otherwise of all or any part of the equipment and property of Rawson Bus Co. Limited and to purchase or lease any other real or personal property required,
  - (ii) to fix the transportation fares, tolls and routes and to make regulations with respect to the operation and control of the system,
  - (iii) subject to the provisions of *The Highway Traffic Act* and *The Public Vehicles Act*, to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise,
  - (iv) to enter into an agreement with any adjoining municipality for the purpose of extending and operating the system within the limits of such adjoining municipality,
  - (v) to issue debentures for the purpose of defraying the costs of establishing, maintaining and extending the system, and to agree from time to time with any chartered bank for temporary advances to meet the expenses of the system,
  - (vi) to entrust by by-law the management, operation, maintenance, extension and control of the system to the Public Utilities Commission of the City of Belleville, hereinafter referred to as the "Commission", or to a Transportation Commission to be specially formed for that purpose, hereinafter referred to as the "Special Commission".

R.S.O. 1950,  
cc. 167, 322



**11.** In the event that the council entrusts the management and control of the system to the Commission or Special Commission, the following provisions shall apply:

Entrusting  
manage-  
ment and  
operation  
to a  
commission

- (a) If a Special Commission is formed,
  - (i) it shall consist of not less than three and not more than five members, none of whom shall be members of council, but all of whom shall be qualified to be elected as members of council, appointed by resolution of council for a term, except in the case of the first appointments, of three years,
  - (ii) of the members first appointed, one shall be appointed for a term of three years, one for a term of two years and the remaining member or members for a term of one year,
  - (iii) if a vacancy occurs during the term of a member, such vacancy shall be filled by resolution of the council and the person appointed shall hold office during the unexpired term of his predecessor,
  - (iv) any member shall be eligible for re-appointment on the expiration of his term of office,
  - (v) the members shall select, yearly, a chairman from among their members.
- (b) The Commission or Special Commission shall, subject to the approval of council, fix the transportation fares, tolls and routes and make regulations with respect to the operation and control of the system.
- (c) The fiscal year of the Commission or Special Commission shall be the calendar year, and the accounts of the Commission or Special Commission shall be audited at the expense of the Commission or Special Commission by the auditors of the Corporation, and the Commission or Special Commission shall, within one month of the receipt by it of such auditors' report, deliver to the council a complete audited and certified financial report, including a balance sheet of assets and liabilities, and a statement of revenue and expenditures and showing the operating profit or loss for the preceding year and, if such statement shows an operating deficit, showing the

amount

amount of the net operating deficit after applying any profit from previous years' operations in reduction thereof.

- (d) The Commission or Special Commission shall, before the 15th day of February in each year or such later date as may be established by by-law of the council, submit to the council an estimate of any moneys required to pay any net operating deficit of the system during the preceding calendar year, and the council shall include the same in its estimates for the year and levy therefor, and shall pay over to the Commission the amount of any such net operating deficit as shown by the auditors' statement for such calendar year.
- (e) The Commission or Special Commission shall provide for and pay over to the Corporation, but only out of revenues of the system, such amounts as may be required to pay and retire principal and interest charges on any debentures issued by the Corporation with respect to the acquisition, extension or improvement of the system.
- (f) The Commission or Special Commission may agree from time to time, with the approval of council, with any chartered bank for temporary advances to meet the expenses of the system.
- (g) The Commission or Special Commission shall not undertake the purchase of equipment or any extension or improvement of the system, the cost or any part of the cost of which is to be or may be provided for by the Corporation, unless an estimate of the expenditure required is first submitted to the council and such expenditure is approved by the council.
- (h) The council may approve of any such expenditure and cause the same to be raised by levy or by the issue and sale of debentures.
- (i) Clause *g* does not apply to any expenditures for the maintenance or renewal of existing equipment, provided that such expenditures are properly chargeable to the operating expenses of the year in which they are made and provided also that such expenditures are not to be met by the issue and sale of debentures.
- (j) Upon repeal of the by-law entrusting the management and operation of the system to the Commission or Special Commission, its undertakings, documents,

assets and liabilities relating to the system shall be assumed by the Corporation.

**12.** The council or, in the event that the council entrusts the management and control of the system to the Commission or Special Commission, the Commission or Special Commission, subject to the approval of the council, shall, so far as possible, fix such fares and tolls and establish such fare zones so that the revenue of the system shall be sufficient to make all transportation facilities of the system self-sustaining after providing for the maintenance, renewals, depreciation, debt charges and reserves as the council or the Commission or Special Commission, subject to the approval of the council, may think proper. <sup>Fares and tolls</sup>

**13.** It is not necessary to secure the assent of the electors, or any class thereof, to any by-law passed by the council under this Part, including any by-law passed to authorize the issue of debentures for the purpose of the system and any by-law passed for the granting of a franchise to any person, with or without subsidy. <sup>Assent of electors not required</sup>

**14.** The Corporation has and shall be deemed to have had full power and authority to terminate by mutual agreement the franchise agreement between The Corporation of the City of Belleville and Thomas Frederick Rawson, which franchise agreement was assigned by Thomas Frederick Rawson to Rawson Bus Co. Limited as of such date as may be or may have been agreed upon. <sup>Power to terminate franchise agreement</sup>

### PART III

#### GENERAL

**15.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**16.** This Act may be cited as *The City of Belleville Act, 1960*. <sup>Short title</sup>



## CHAPTER 136

# An Act respecting The Blind River- Elliot Lake High School District Board

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Blind River-Elliot Lake High School District Board, herein called the School Board, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any general or special Act, the School Board shall be deemed to have had power,
  - (a) to grade and level a portion of the school site appurtenant to the high school operated by the School Board in the Improvement District of Elliot Lake at an expenditure of \$32,500;
  - (b) to purchase certain filing cabinets and equipment therefor for such high school at an expenditure of \$1,082.26;
  - (c) to purchase sixty desks for such high school at an expenditure of \$1,194.87; and
  - (d) to purchase certain lockers and locker equipment for such high school at an expenditure of \$1,773,

and The Corporation of the Improvement District of Elliot Lake may pass a by-law providing for the issue of debentures repayable over a period not exceeding five years in the aggregate principal amount of \$38,000 for the purpose of the said undertakings, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised in the manner provided by *The Secondary Schools and Boards of Education Act, 1954*, c. 87.



Municipal  
Board  
approval  
deemed to  
have been  
given  
1954, c. 87;  
R.S.O. 1950,  
c. 262

**2.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order pursuant to section 29 of *The Secondary Schools and Boards of Education Act, 1954* and pursuant to section 67 of *The Ontario Municipal Board Act* authorizing the School Board to proceed with the said undertakings with respect to which the debentures are required and authorizing The Corporation of the Improvement District of Elliot Lake to pass the debenture by-law referred to in section 1.

Application  
of  
R.S.O. 1950,  
c. 262,  
ss. 61-64

**3.** Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* apply in respect of the debenture by-law referred to in section 1 and the debentures to be issued thereunder.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Blind River-Elliot Lake High School District Board Act, 1960*.

CHAPTER 137

An Act respecting the  
Canadian National Exhibition Association

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 1 of section 6 of *The Canadian National Exhibition Association Act, 1948* is repealed and the following substituted therefor: 1948, c. 105, s. 6, subs. 1, cl. *a*, re-enacted

- (*a*) the Minister of Agriculture of the Province of Ontario, the Mayor of the City of Toronto and the Chairman of the Metropolitan Council of The Municipality of Metropolitan Toronto, each of whom shall be *ex officio* members of the Board. *ex officio* directors

(2) Clause *c* of subsection 1 of the said section 6, as amended by subsection 1 of section 1 of *The Canadian National Exhibition Association Act, 1958*, is further amended by striking out “seven” in the first line and inserting in lieu thereof “eight”, so that the clause shall read as follows: 1948, c. 105, s. 6, subs. 1, cl. *c*, amended

- (*c*) eight members of the council of the City of Toronto to be appointed at the first meeting each year of the council; and appointed directors
- . . . . .

(3) Clause *d* of subsection 1 of the said section 6 is amended by inserting after “Section” in the second line “who are not members of the council of the City of Toronto”, so that the clause shall read as follows: 1948, c. 105, s. 6, subs. 1, cl. *d*, amended

- (*d*) two representatives from the City Council and Municipality Section, who are not members of the elected directors  
council

council of the City of Toronto, ten representatives from the General, Manufacturers and Liberal Arts Section and ten representatives from the Agricultural Section, such twenty-two representatives to be elected annually on such day as may be fixed by by-law by the Board, by ballot by a plurality of the votes of the members of the Association present in person and voting.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Canadian National Exhibition Association Act, 1960.*

## CHAPTER 138

## An Act respecting the Central Canada Exhibition Association

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS the Central Canada Exhibition Association, Preamble  
incorporated by *An Act to incorporate the Central* 1888, c. 79  
*Canada Exhibition Association* (hereinafter called the Act of  
Incorporation), being chapter 79 of the Statutes of Ontario,  
1888, by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Section 2 of the Act of Incorporation is amended by 1888, c. 79,  
striking out "provided always, and it is enacted, that the said s. 2, amended  
association shall at no time acquire or hold any lands or  
tenements, or interests therein, exceeding in the whole, at  
any one time, the annual value of \$10,000, nor otherwise  
than for actual use or occupation for the purposes of the said  
corporation" in the thirty-second to thirty-seventh lines, so  
that the section shall read as follows:

2. The said association is hereby authorized and em- Exhibitions  
authorized  
powered, either permanently or periodically, in  
structures, buildings, enclosures, and places located  
in the city of Ottawa or the townships of Nepean or  
Gloucester, suitable for exhibition purposes, and for  
the promotion of industries, arts, and sciences  
generally, to exhibit any and every variety of thing  
and being, found in animal and vegetable life, and  
every kind and variety of mineral; to exhibit pro-  
ducts, wares, goods, merchandise, machinery, me-  
chanical inventions, and improvements of every  
nature, name and kind, and such as are generally  
exhibited at fairs, including the various processes  
of manufacture; to exhibit paintings and statuary  
of any and every nature and kind; to exhibit and  
develop the points and qualities of the several

breeds

breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient, and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized, but only for the carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift, or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature; and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association.

1888, c. 79,  
s. 4 (1950,  
c. 94, s. 1),  
re-enacted

**2.** Section 4 of the Act of Incorporation, as re-enacted by section 1 of *The Central Canada Exhibition Association Act, 1950*, is repealed and the following substituted therefor:

Membership

4.—(1) The membership of the said Association shall be divided into two classes as follows:

- (a) honorary membership;
- (b) ordinary membership.

Honorary  
membership

(2) Honorary membership shall consist of those persons who may be appointed honorary members by by-law of the Board of Directors.

Ordinary  
membership

(3) Ordinary membership shall be divided into three sections as follows:

- (a) City Council Section;
- (b) Merchants, Manufacturers and General Section;
- (c) Agricultural Section.

City  
Council  
Section

(4) The City Council Section shall consist of the Mayor, the members of the Board of Control and the members of the Council of the City of Ottawa.



(5) The Merchants, Manufacturers and General Section shall have two kinds of membership as follows:

Merchants,  
Manu-  
facturers  
and General  
Section

(a) representative membership;

(b) paid membership.

(6) The representative membership of the Merchants, Manufacturers and General Section shall consist of:

Representative  
membership

(a) one member of each of the following bodies:

Board of Trade of the City of Ottawa  
 Boy Scout Association  
 Business and Professional Women's Association  
 CBC—Ottawa Area  
 CFRA Broadcasting Company Limited  
 CKCH Hull Radio Broadcasting Company  
 Limited  
 CKOY Limited  
 Canadian Club of Ottawa  
 Canadian Legion, Branch 16, of Ottawa  
 Canadian Legion, Montgomery Branch No. 351,  
 of Ottawa  
 Canadian Lumbermen's Association  
 Canadian Manufacturers' Association  
 Canadian Press Association (Ottawa Branch)  
 City of Ottawa Public School Board  
 Civil Service Federation of Canada  
 Collegiate Institute Board of Ottawa  
 Commercial Travellers Association of Canada  
 Franchised Automobile Dealers Association of  
 Ottawa, Inc.  
 Gyro Club of Ottawa  
 Journal Publishing Company of Ottawa, The  
 Junior Board of Trade  
 Kinsmen Club of Ottawa  
 Kiwanis Club of Ottawa  
 Kiwanis Club of South Ottawa, The  
 La Chambre de Commerce de Ottawa  
 Lions Club of Ottawa  
 Local Council of Women  
 National Capital Commission  
 Optimist Club  
 Ottawa and District Trades and Labour Associa-  
 tion  
 Ottawa Citizen, The  
 Ottawa Council No. 643, United Commercial  
 Travellers' Association of America  
 Ottawa Property Owners Association, The

Ottawa Shrine Club, The  
 Quota Club of Ottawa, The  
 Richelieu Club  
 Roman Catholic Separate School Board of Ottawa  
 Rotary Club of Ottawa  
 St. John Ambulance—Federal District  
 Soroptimist Club of Ottawa, The  
 Syndicat D'Oeuvres Sociales Ltd. (Le Droit)  
 Victorian Order of Nurses (Ottawa Branch)  
 Zonta Club

(b) all past presidents of the Association who are not members of the Agricultural Section.

Change in  
 membership  
 by Directors

(7) The membership under clause *a* of subsection 6 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors.

Paid  
 membership

(8) The paid membership of the Merchants, Manufacturers and General Section shall consist of such persons, other than representative members of this Section, who may from time to time be admitted to membership of the Association on the vote of the Directors and on payment of the annual membership fee.

Agricultural  
 Section

(9) The Agricultural Section shall have two kinds of membership as follows:

(a) representative membership,

(b) paid membership.

Representative  
 membership

(10) The representative membership of the Agricultural Section shall consist of:

- (a) (i) The Assistant Deputy Minister (Research)  
 The Assistant Deputy Minister (Production and Marketing)  
 The Assistant Deputy Minister (Administration)  
 The Veterinary Director General  
 The Director General, Production and Marketing  
 The Director, Dairy Products Division  
 The Director, Fruit and Vegetable Division  
 The Director, Livestock Division  
 The Director, Plant Products Division  
 The Director, Poultry Division  
 The Director, Information Division

The Director, Genetics and Plant Breeding  
Institute  
The Director, Plant Research Institute  
The Director, Animal Research Institute  
The Director of Program, Animals  
The Director of Program, Crops  
The Head, Greenhouse and Ornamental Crops,  
Plant Research Institute  
The Chief, Engineering Research Service,  
Research Branch

all from the Canada Department of Agriculture, and

- (ii) The Commissioner of Livestock Branch  
The Director of Extension  
The Principal, Kemptville Agricultural School

all from the Department of Agriculture of Ontario,  
and

- (iii) The Director, Canadian National Livestock  
Records  
The Assistant Director, Canadian National  
Livestock Records  
The Secretary, Canadian Council on 4-H  
Clubs  
Warden of the County of Carleton, and
- (iv) Provincial Government Agricultural Repre-  
sentative of each of the following counties:  
Carleton, Renfrew, Lanark, Leeds, Grenville,  
Dundas, Glengarry, Prescott, Russell, Fron-  
tenac, Lennox and Addington, Stormont;
- (b) one representative from the Agricultural Societies of  
each of the following towns and villages: Carp, Met-  
calfe, Russell, Richmond, Almonte, Cumberland;
- (c) one representative from the Ontario Association of  
Agricultural Societies;
- (d) one representative from each of the following  
organizations:
  - Ayrshire Breeders' Association of Canada
  - Bee Keepers' Association of Carleton County, The
  - Canadian Aberdeen-Angus Association
  - Canadian-American Saddle Horse Association
  - Canadian Belgian Horse Association
  - Canadian Guernsey Breeders' Association

Canadian

Canadian Hackney Horse Society  
 Canadian Hereford Breeders' Association  
 Canadian Horse Shows Association  
 Canadian Jersey Cattle Club  
 Canadian Kennel Club  
 Canadian Percheron Association  
 Canadian Pony Society  
 Canadian Sheep Breeders' Association  
 Canadian Shorthorn Association  
 Canadian Standard Bred Horse Society  
 Canadian Swine Breeders' Association  
 Canadian Thoroughbred Horse Society  
 Carleton and Russell Holstein Club  
 Central Canada Veterinary Association  
 Clydesdale Horse Association of Canada  
 Eastern Ontario Poultry Association  
 Eastern Ontario Yorkshire Association  
 Greater Ottawa Poultry, Pigeon and Pet Stock  
 Association  
 Holstein-Friesian Association of Canada  
 Ontario Cattle Breeders' Association  
 Ontario Clydesdale Club  
 Ontario Extension Committee, Holstein-Friesian  
 Association of Canada  
 Ontario Horse Breeders' Association  
 Ontario Sheep Breeders' Association  
 Ontario Swine Breeders' Association  
 Ottawa Horticultural Society  
 Ottawa Kennel Club  
 Ottawa Valley Ayrshire Breeders' Club  
 Ottawa Valley Hereford Breeders' Club  
 Ottawa Valley Hunt  
 Ottawa Valley Jersey Breeders' Association  
 Ottawa Valley Light Horse Association  
 Ottawa Valley Seed Growers' Association  
 Ottawa Valley Sheep Breeders' Association  
 Ottawa Valley Shorthorn Breeders' Club  
 Ottawa Winter Fair  
 Women's Institute of Eastern Ontario, The

- (e) all past presidents of the Association who, at the time of holding office, were members of the Agricultural Section.

Membership  
subject to  
change

(11) The membership under clauses *a*, *b*, *c* and *d* of subsection 10 shall be subject to such changes or additions as may from time to time be decided upon by a majority vote of all the Directors.

Paid  
membership

(12) The paid membership of the Agricultural Section shall consist of such persons, other than representative members of

this Section, who may from time to time be admitted to membership of the Association on a vote of the Directors and on payment of the annual membership fee.

(13) Whenever it is provided in this section that a member of any body shall be a member of any of the Sections into which the Association is divided, such body, other than the City council or an educational board, shall name and appoint such member at the annual meeting thereof, and notice of such appointment, and of the name and address of the member appointed, signed by the president and secretary of such body, shall be delivered or mailed to the Association at its head office in the City of Ottawa not later than one month after the holding of such annual meeting. Appointment of members

(14) Every person appointed a representative member of the Association by any of the bodies named in subsections 6 and 10 shall continue to be a member until notice of the appointment of his successor is given as provided by subsection 13. Term of appointment

(15) In the event of any such body failing to appoint a representative in any year, and to give notice thereof as provided by subsection 13, the Board of Directors of the Association may by resolution suspend or cancel the representation of such body, and the decision of the said Board shall be final upon any question raised as to the regularity or sufficiency of the appointment or notice of appointment of any member. Failure of body to appoint member

(16) The Board of Directors of the Association may by by-law appoint honorary members of the Association who shall have all the privileges of ordinary members, except the privilege of holding office and the privilege of voting. Honorary members

(17) Prior to the annual meeting, the membership lists in the Merchants, Manufacturers and General Section and in the Agricultural Section shall be submitted to the Board of Directors for approval and the decision of the Board of Directors as to those entitled to vote in each Section shall be final. Members entitled to vote

**3.** Subsection 3 of section 9 of the Act of Incorporation, 1888, c. 79, as re-enacted by section 2 of *The Central Canada Exhibition Association Act, 1950*, is repealed and the following substituted therefor: 1888, c. 79, s. 9 (1950, c. 94, s. 2), subs. 3, re-enacted

(3) The Directors shall immediately after such election elect from among the members of the Board a president and two vice-presidents. The president shall Election of officers

continue



continue in office for one year and, subject to the By-laws of the Association, shall be eligible for re-election for one additional year. The vice-presidents shall be elected for one year, and, subject to the By-laws of the Association, shall be eligible for re-election for one or more additional years. If any vacancy at any time occurs by death, resignation or otherwise on the Board of Directors or in the office of president or vice-president, the remaining Directors shall fill such vacancy by the appointment of some member of the Association who shall hold office for the remainder of the term for which his predecessor in office was appointed.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Central Canada Exhibition Association Act, 1960*.

## CHAPTER 139

**An Act respecting  
The Corporation of the Presbytery of Ottawa  
of The Presbyterian Church in Canada**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Presbytery of Ottawa Preamble  
of The Presbyterian Church in Canada Limited, herein  
called the company, by its petition has represented that it  
was incorporated by letters patent, dated the 20th day of  
November, 1959, as a private company under and subject  
to the provisions of subsection 2 of section 3 of *The Corpora-* 1953, c. 19  
*tions Act, 1953*, and that the nature of the work to be under-  
taken by it is charitable and not for purposes of private gain  
or profit, namely, to undertake and assist in the work of Church  
Extension of The Presbyterian Church in Canada within the  
bounds of the Presbytery of Ottawa of the said Church, and  
that, in order that it may effectually carry out its charitable  
purposes, it is desirable that its powers be enlarged, that its  
objects as set out in the letters patent be varied, that certain  
restrictions be attached to the holding and transfer of shares  
and the distribution of assets in the event of the winding-up  
or dissolution of the company, and that it should not be  
required to use the word "Limited" as part of its corporate  
name but should be permitted to change its corporate name  
to "The Corporation of the Presbytery of Ottawa of The  
Presbyterian Church in Canada"; and whereas the petitioner  
has prayed for special legislation in respect of the matters  
hereinafter set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Notwithstanding the provisions of the letters patent of the company and of *The Corporations Act, 1953*,
 

Company  
powers  
enlarged  
and objects  
varied and  
holding of  
shares  
restricted

  - (a) the number of shareholders of the company shall not be limited;
  - (b)

- (b) the company shall not be prohibited from making invitation to the public to subscribe for its shares or securities;
- (c) the company shall not be restricted to issuing securities to its shareholders only or to borrowing money on the security of its property from its shareholders only;
- (d) the company shall not be required to use the word "Limited" as part of its corporate name, so that the name of the company shall be "The Corporation of the Presbytery of Ottawa of The Presbyterian Church in Canada";
- (e) the objects of the company shall be varied to include the following:
  - (i) to guarantee repayment of money loaned to congregations of The Presbyterian Church in Canada or the trustees thereof or other persons, groups, societies or corporations directly affiliated with and responsible to the Presbytery of Ottawa of The Presbyterian Church in Canada, or a congregation thereof, but shall not carry on the business of guarantee insurance,
  - (ii) to receive gifts and donations for the purposes of Church Extension within the bounds of the Presbytery;
- (f) no share of the capital stock of the company shall be held by, or in trust for, or be in any way under the control of, a person who is not a member of the Presbytery of Ottawa of The Presbyterian Church in Canada or a director of the company;
- (g) no person shall be entitled to hold more than one share of the capital stock of the company;
- (h) if any shareholder dies or becomes bankrupt or of unsound mind or ceases to be a member of the Presbytery, his share shall be transferred to such member of the Presbytery not then a registered holder of a share of the capital stock of the company as the directors of the company shall by resolution nominate, and, if the share is not so transferred within ten days after notice in writing by the directors to the registered holder thereof or to his personal repre-

sentatives,

sentatives, as the case may be, of such nomination, the directors shall appoint some person to transfer the share to the nominee at and for the consideration of \$1 to be paid to the registered holder or his personal representatives, as the case may be, and a transfer by such person shall be effective and the transferee shall be registered as the holder of the share and as against the former registered holder and all persons claiming through him shall be absolutely entitled to the same, and after such registration the regularity of the proceedings shall not be questioned;

- (i) no dividends or profits shall be paid in respect of any shares of the capital stock of the company or to the holders thereof and the net profits of the company shall be used solely for the purpose of undertaking and assisting in the work of Church Extension of The Presbyterian Church in Canada within the bounds of the Presbytery of Ottawa of the said Church;
- (j) if upon winding-up or dissolution of the company there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the shareholders but shall be given or transferred to The Trustee Board of The Presbyterian Church in Canada to be used for the purposes of the said Church.

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The Corporation of the Presby-* Short title  
*tery of Ottawa of The Presbyterian Church in Canada Act, 1960.*





## CHAPTER 140

**An Act respecting The Board of Education  
for the Township of Etobicoke**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Board of Education for the Township Preamble  
of Etobicoke, herein called the Board, by its petition  
has prayed for special legislation with respect to the matters  
hereinafter set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The Pension Plan of the Board, set forth as the Schedule Pension Plan ratified  
hereto, is declared to be legal, valid and binding upon the  
Board and the Board is hereby empowered to carry out all  
its obligations that might arise thereunder.

**2.** The Pension Plan may, with the approval of the Amendment or discontinuance of Plan  
Minister of Education, be amended from time to time or  
discontinued at any time by the Board, provided that any  
such amendment or discontinuance shall not adversely affect  
the pensions, other benefits and privileges of the members of  
the Pension Plan that have accrued by reason of their service  
to the Board to the date of such amendment or discontinuance  
and with respect to which the required contributions have  
been made by such members.

**3.** This Act comes into force on the day it receives Royal Commencement  
Assent.

**4.** This Act may be cited as *The Township of Etobicoke* Short title  
*Board of Education Act, 1960.*

## SCHEDULE

## THE BOARD OF EDUCATION FOR THE TOWNSHIP OF ETOBICOKE

## PENSION PLAN

*Definitions:*

## 1. For the purposes of this Employee Pension Plan:

- (a) "Accumulated interest" means interest earnings credited and compounded annually in accordance with rates of interest declared by the Employer from time to time.
- (b) "Board" means The Board of Education for The Township of Etobicoke.
- (c) "Credited Service" means the total period of a Member's Service, to the nearest completed month, with respect to which Employee Contributions have been made to the Plan and with respect to which no Withdrawal Benefit has become payable or vested, subject to the conditions of Provision 6 (b).
- (d) "Continuous Service" means Service with no interruptions except those referred to in the definition of "Service" herein.
- (e) "Effective Date" means the first day of the calendar month following the date The Board of Education for the Township of Etobicoke Act, 1960 receives Royal Assent.
- (f) "Employer" means The Board of Education for The Township of Etobicoke.
- (g) "Employee" means any salaried officer or other regular Employee of the Employer who is not a contributor to the Teachers' Superannuation Fund.
- (h) "Earnings" means the total compensation received by a Member from the Employer excluding, bonuses, overtime pay or special payments.
- (i) "Full Accrued Pension Credit". In the case of an Employee Member, the full accrued pension credit at any stated date equals the pension benefit which would be payable to him on Normal Retirement, with respect to his Credited Service and Earnings up to such date.

In the case of a retired Member, the Full Accrued Pension Credit at any date equals the pension benefit which he is receiving in accordance with the Plan.

- (j) "Fund" means the monies, securities, negotiable instruments, and other property in the custody of the Insurer for the carrying out of the purposes of the Plan.
- (k) "Insurer" means any Insurance Company licensed to transact business and carrying on business in Ontario and appointed by the Board to administer the Plan.
- (l) "Member" means an employee whose application for membership in the Plan has been accepted by the Employer and who has authorized the required deductions from his earnings as set out in the Plan.

- (m) "Plan" means the Pension Plan for the employees of the Board of Education for The Township of Etobicoke established as from the Effective Date and as set forth herein.
- (n) "Retirement" means the termination of a Member's Service with the Employer under circumstances which in accordance with the Plan entitle him to commence to receive Pension Benefits.
- (o) "Service" means the period of time with respect to which an Employee is in receipt of pay from the Employer, excluding any period during which the Member is in receipt of Disability Pension Benefit under the Plan, and shall include the following interruptions of such service:
  - (i) Leave authorized by the Employer, whether due to illness or for any other reason.
  - (ii) Recognized periods of absence on Her Majesty's Service during a period of war or national emergency.
- (p) "Superseded Plan" means the Board of Education for the Township of Etobicoke Retirement Pension Plan under which Employees' pension credits have accrued up to the Effective Date of this Plan.
- (q) Words importing the masculine gender include the feminine gender unless the context indicates otherwise.

#### *Eligibility:*

2. All Employees in the service of the Employer on the Effective Date who have attained the first anniversary of the date of their employment but have not attained age 65, shall be eligible to apply for membership in the Plan. Future employees will become eligible to apply for membership in the Plan as of the first day of the month coincident with or next following the first anniversary of the date of their employment.

#### *Membership:*

3. Eligible Employees who were members of the Superseded Plan immediately prior to the Effective Date shall be transferred to this Plan as from such date.

All other eligible Employees engaged prior to the Effective Date may apply for membership in the Plan.

Each Employee engaged on or after the Effective Date is required to join the Plan as from the date when he first becomes eligible, except that no eligible female employee is required to join the Plan until the 1st of the month coincident with, or next following her 30th birthday.

#### *Contributions By Members:*

4. Each Member shall contribute to the Plan 5% of his earnings to be deducted from each pay as long as he remains in the Employer's Service.

#### *Normal Retirement:*

5. The normal retirement date of a Member under the Plan shall be the 1st of July coincident with or next following his attainment of the age of 65 years. However, continuance of employment after age 65 shall be at the Board's discretion from year to year but not beyond age 70. Pension payments will be made monthly commencing at the first of the month coincident with or next following retirement and will continue as long as

the Member lives, the last payment being made as of the first day of the month in which the Member's death occurs subject to the provisions concerning Benefits on Death.

*Amount of Pension:*

6. The annual pension benefit (payable monthly) to which a Member shall be entitled on normal retirement shall be the greater of the two following amounts in accordance with Section (a) or (b):

- (a)  $1\frac{3}{4}\%$  of the average Earnings with respect to which normal Employee contributions have been made during his period of Credited Service, multiplied by the number of his years of Credited Service, (equivalent to  $1\frac{3}{4}\%$  of the Member's total Earnings during his years of Credited Service).

— OR —

- (b)  $1\frac{1}{8}\%$  of the Member's average Earnings during the last five years of his Service prior to retirement with respect to which normal Employee contributions have been made, multiplied by his years of service as hereinafter defined up to but not in excess of thirty (30) years, less the amount of any Pension benefit payable under the Board of Education for The Township of Etobicoke Retirement Pension Plan or any other Pension benefit towards the cost of which the Board of Education for The Township of Etobicoke has contributed, provided, however, that if a member's average earnings during the five-year period immediately preceding the date of his retirement were less, by reason of special circumstances peculiar to him, than his average earnings during some other period of five consecutive years, his highest continuous five-year average earnings may be used in determining this benefit. For the purposes of this subsection (b) of Provision 6 the number of years of service to be credited shall be the Employee's years of credited service under this Plan together with any years of continuous service with the Employer prior to the Effective Date of this Plan after the completion of one year service except

- (i) any years of service during which an Employee was eligible to contribute to a Pension Plan of the Employer and did not make a contribution,

— and —

- (ii) any years of service prior to such a period of voluntary non-contribution.

*Disability Retirement:*

7. Any Member in the active service of the Employer who has a total of ten (10) years of Continuous Service with the Employer, and who becomes totally and apparently permanently disabled through injury or disease so as to be incapable of any employment for remuneration or profit, shall on his retirement be eligible for a Disability Pension Benefit.

Any Member in the active service of the Employer who has twenty (20) years of Continuous Service with the Employer, and who, as a result of disability becomes incapable of continuing in the Employer's Service, shall on his retirement be eligible for a Disability Pension Benefit.

The amount of such Member's Disability Pension shall be calculated with respect to his Earnings and Credited Service up to the date of his Disability Retirement in accordance with the formulae set out in Section 6 hereof as if such date of disability retirement were his normal retirement date.

Notwithstanding



Notwithstanding the foregoing provisions of this section, the pension payable to a Member on Disability Retirement under the Plan shall be limited so that the total amount thereof including any other disability benefit to the cost of which the Employer has contributed, shall not exceed 75% of his Earnings immediately preceding his Disability Retirement Date.

A Member's Disability Pension will be payable from the Fund only during the period of his disablement and its continuance will be subject to such medical examinations and other evidence as may be required by the Employer from time to time.

In any case in which the Employer decides that the Member does not continue to qualify for Disability Benefit, payment thereof shall cease. However, in the event of such cessation of Disability Benefits, whether or not the Member is re-employed by the Employer, the Member shall retain any benefit to which he was entitled under the Plan by his years of Service prior to his Disability Retirement as if his Disability Retirement had not occurred.

#### *Early Retirement:*

8. A Member may elect to retire at any time after his attainment of sixty (60) years of age.

The Pension benefit payable from the Plan to a Member as from such Early Retirement Date shall be the reduced actuarial equivalent (as determined by the Actuary) of the pension benefit to which he would have become entitled under his Credited Service at such Early Retirement Date, and shall be based upon his average annual Earnings during the applicable period prior to such Early Retirement Date in accordance with the provisions of Section 6.

#### *Postponed Retirement:*

9. With the consent of the Employer in writing a Member may remain in the active service of the Employer past the attainment of age sixty-five (65). In such an event payment of the Member's pension will not commence until his actual retirement. Such postponement of retirement may be granted by the Employer for a period not in excess of one year, and renewal thereof shall be subject to review and decision by the Employer prior to the end of each such period.

During such extension of Service the Member's contributions to the Plan shall continue and his Credited Service will extend up to his actual Retirement Date.

The pension benefit to which a Member shall become entitled upon postponed retirement shall be calculated with respect to his Credited Service up to his actual retirement date as if such date were his normal retirement date, and shall be based upon his Average Earnings during the applicable period prior to such actual retirement date, in accordance with the provisions of Section 6.

#### *Cash Withdrawal Benefit:*

10. On severance of employment at any time a Member shall become entitled to a refund of the total of his contributions to the Plan with Accumulated Interest thereon up to his severance of employment, which shall be paid to him forthwith, unless the Member elects a Deferred Pension Withdrawal Benefit under the Plan. Payment of such refund to the Member shall discharge all obligations of the Fund with reference to the Member's Service prior to such severance.

*Deferred*



*Deferred Pension Withdrawal Benefit:*

11. A Member upon severance of employment may elect, in lieu of other benefits provided under the Plan, a Deferred Pension Benefit purchased by the total of his contributions with accumulated interest, together with a portion of the contributions with accumulated interest made by the Employer on his behalf prior to severance, in accordance with the following table:

Years of Service	Vested Portion of Employer Contributions
6 .....	20%
7 .....	40%
8 .....	60%
9 .....	80%
10 .....	100%

Such contributions by the Employer are hereby defined as contributions with respect to Pension Benefits payable to the Member under the Plan based on the Member's average Earnings during the period of Credited Service preceding his date of severance as set forth in Provision 6 (a) and (b).

The aforesaid Deferred Pension Benefit shall be determined at the date of severance of employment and shall vest in the Member, and the Plan shall not be liable for the provision of any additional benefits with respect to the period of Service preceding such severance.

Such a Member shall be entitled to similar privileges with respect to the election of early retirement pension benefits and optional pension benefits as if he had remained in the service of the Employer.

However, no such Member shall be entitled after termination of his Service to make any Claim for any Disability Pension Benefit under this Plan.

A Member entitled to such Deferred Pension Benefit will retain his right to elect, at any time prior to the commencement of his pension payments, a lump sum refund of the total of his contributions to the Plan with accumulated interest, in lieu of such pension benefit.

On the death, prior to retirement under this Plan, of a Member who has elected Deferred Pension Withdrawal Benefit and who has not withdrawn his own contributions to the Plan, a lump sum refund of the total of such contributions, with accumulated interest thereon up to the date of his death, shall be made to his named beneficiary, if any, otherwise to his estate or legal representative.

In the event of the death of such a Member after commencing to receive pension payments under this Plan and before he has received sixty (60) monthly instalments thereof, the remaining balance of such unpaid instalments shall be paid to his named beneficiary, legal representative or his estate, as they fall due.

It is hereby expressly stipulated that on the death of a Member who has elected a Deferred Pension Benefit under this Plan no pension, or other benefit, will become payable to his dependents, beneficiary or estate other than as provided in the foregoing paragraphs.

It is expressly stipulated further that any deferred pension benefit to which a Member may become entitled hereunder shall be provided for such Member under a contract issued to him by the Insurer and the issuance of such contract shall constitute a full valid discharge to the Employer with respect to the claims of such employee under the Plan arising out of service prior to the date of issuance of the said Contract.

*Benefit on Death Prior to Retirement:*

12. (a) In the event of the death of a married male Employee his surviving widow shall be entitled to a pension benefit equal to one-half of the Member's full accrued pension credit, i.e., one-half of the pension benefit to which he would have been entitled had he retired as of the date of his death at the full pension rate without actuarial reduction for early retirement, based on his Credited Service and Average Earnings up to the date of his death. Payment of such widow pension benefit shall be continued until the recipient's death.

- (i) Provided, however, in the case of a widow who is more than fifteen (15) years younger than her husband, a reduced widow's pension will be payable based on the maximum cost of the widow's pension being that for a widow fifteen (15) years younger than her husband in accordance with tables prepared by the Insurer having regard to the disparity in ages.

(b) If on or after the death of an Employee there is no person eligible for a widow pension benefit under the Plan with respect to his Service, then a pension benefit shall be payable to his dependent children, if any, in accordance with the following:

- (i) The pension benefit to which a dependent child or children shall be entitled will be calculated at the rate of 40% of the Member's full accrued pension credit if there be only one such child, and 60% thereof if there be two or more such children.

- (ii) Pension benefit with respect to any dependent child of the Deceased Member shall terminate on the child's death or on his attainment of the age of 18 years whichever first occurs, provided however that in the case of any invalid child such pension shall be continued as long as the child remains dependent.

(c) In the event of the death of any Member of the Plan prior to retirement, with respect to whom no widow's or children's pension is payable under the Plan, his legal representative, or his estate, shall be entitled to a return of the Member's total contributions with Accumulated Interest, which shall be paid forthwith either in one sum or in instalments as may be approved by the Employer.

(d) The decision of the Employer shall be conclusive as to the person or persons entitled, on the death of a Member, to pension benefits, and/or death benefits, and/or residuary benefits, under this Plan with respect to such Member's period of Service with the Employer.

*Benefit on Death After Retirement:*

13. In the event of the death of a Member of the Plan after his retirement, the benefits described in the foregoing subsections (a) and (b) of Section 12 will be payable to his widow if eligible to receive widow pension, or to his dependent child or children, all in accordance with the terms of the said Section 12, provided however that:

- (a) To be eligible therefor, such widow must have married the Member five (5) full years prior to his retirement; and
- (b) Such children must have been born of a marriage entered into prior to the Member's retirement, or legally adopted prior to the Member's retirement; and
- (c) The amounts of such pension benefits shall be computed on the basis of the Pension benefit to which the retired Member is entitled under the Plan.

In the event of the death after retirement of any Member of the Plan leaving no surviving widow, or dependent child (under 18 or invalid), and before the Member has received sixty (60) monthly instalments of the

pension to which he is entitled, the remaining balance of such unpaid instalments shall be paid to his legal representative or his estate, as they fall due. Alternatively, the discounted value of such unpaid instalments may be paid to his legal representative or his estate in one lump sum.

*Residuary Benefit:*

14. If the total of all instalments of pension benefit provided for by this Plan with respect to the Service of a deceased Member should be less than the total of his own contributions to the Plan with Accumulated Interest thereon to the termination of his contributory Service, a residual lump sum benefit equal to the difference shall be paid to his estate or legal representative, so that in no case shall the total benefits payable with respect to a Member's Service be less than his contributions to the Plan with Accumulated Interest as aforesaid.

*Commutation of Small Pension Benefits:*

15. Should a Member or his beneficiary become entitled under the Plan to a pension benefit amounting to less than \$10.00 per month, the Employer may recommend that the payment of an equivalent benefit be made in advance on a quarterly or annual basis.

In lieu thereof, and subject to the consent of the Employer, such Member or his beneficiary may elect to receive a single lump sum payment. Such election must be in writing to the Employer at least one week prior to the date upon which the first instalment of his pension benefit would fall due, and must be signed by the Member and his spouse, if any, or his beneficiary. The commuted value so elected shall be an amount determined by the Employer, in his sole discretion, as the actuarially computed value of the aggregate pension benefits otherwise payable to the said Member. Payment of such commuted equivalent shall constitute a valid discharge of all obligations of the Plan with respect to services rendered the Employer by the said Member.

*Optional Pension Benefits:*

16. A Member of the Plan with respect to whom no widow's or dependent children's benefits would be payable in the event of death, may elect at least one year prior to retirement to receive his pension in any one or more of the following forms:

- (a) A joint life and last survivor pension with a named beneficiary.
- (b) A pension with a guarantee period of ten (10) years.

In the event of the death, after retirement, of a Member who had elected and been granted an optional pension with a guaranteed period of ten (10) years, before he had been paid the first 120 monthly instalments of such optional pension, the remaining balance of such unpaid instalments shall be paid to his legal representative or his estate as they fall due. Alternatively, the discounted value of such unpaid instalments may be paid to his legal representative or his estate in one lump sum.

Any Member of the Plan may elect, at least one year prior to his retirement, to receive his pension adjusted in accordance with the following option:

- (c) A "stepped" pension which is at an increased amount up to age seventy (70) then reducing by the amount of his anticipated old age security pension, so that his aggregate income from these two sources is uniform throughout retirement.

An election of the foregoing options (a) and (b) by a Member without pensionable dependents, automatically becomes inoperative in the event of his marriage.

The amount of these optional pensions shall be actuarially equivalent to the pension to which the Member is otherwise entitled under the Plan.

*Re-employment:*

17. If for any reason a Member's Service is terminated subsequent to the Effective Date, and he is later re-employed with the Employer, the benefit, if any, to which he became entitled under the Plan on such severance of employment shall not be affected by reason of his re-employment, and his Credited Service shall accrue as if he were a new Employee for all purposes of the Plan.

*Employer Contributions:*

18. The Employer undertakes to pay to the Insurer each year such amounts as may be required in addition to the contributions made by the Members to ensure that the benefits stipulated in the Plan will be provided in full when due.

*Assignment:*

19. A Member of the Plan may not borrow against benefits payable under the Plan and his contributions may not be withdrawn except in the case of a Member who has left the Service of the Employer. Benefits payable or which may become payable under the Plan may not be assigned by any person who is or may become entitled to them, whether for value or otherwise. No instrument purporting to effect such an assignment shall be binding upon the Insurer and/or the Employer.

*Right of Employer:*

20. Nothing stated in this Plan shall deprive the Employer of its right to dismiss or retire an Employee. In determining pension benefits, Records of the Employer with respect to Service, Earnings and Contributions shall be conclusive.

*Continuance of Membership:*

21. Membership in the Plan shall be deemed to continue until the Member's death or until all benefit obligations under the Plan to the Member shall have been discharged, whichever first occurs.

*Actuary:*

22. The Board shall appoint an Actuary who shall be a Fellow of a recognized Actuarial Society who shall advise the Employer with respect to questions put to him and particularly matters affecting the solvency of the Plan. He shall prepare such actuarial statements as may be required by the Employer and shall report to the Board from time to time as may be required on the general condition of the Plan and at least every four years he shall prepare and submit to the Board a complete valuation of the assets and liabilities of the Plan, taking into account the terms of the contract or contracts issued to the Employer by the Insurer or Insurers, together with such other assumptions as he may deem proper.



*Underwriting of Benefits:*

23. The Employer will remit to the Insurer as of the end of each month the Member's contributions together with such Employer contributions as are estimated upon the advice of the Actuary to be required to provide the stipulated pension benefits. The Insurer will retain such payments on deposit and charge to Fund, so created, the cost of the paid-up annuities issued by the Insurer at the direction of the Employer to members of the Plan upon retirement on pension or upon termination of Service, together with the administrative charges permitted under the Insurer's contract.

The Insurer shall credit to the Fund from time to time interest in accordance with the terms of the contract issued by the Insurer to the Employer.

The Employer may pay any death benefits or refunds of Members' contributions which become payable under the Plan from time to time, and deduct such payments from subsequent remittances of current contributions to the Insurer.

Upon the retirement on pension of a Member of the Plan, or upon election of paid-up annuity benefits by a Member of the Plan whose Service with the Employer has been terminated, the Insurer shall, at the direction of the Employer, issue to such an Employee a Certificate for the amount of paid-up annuity to which the Employee has become entitled in accordance with the provisions of the Plan.

When such a Certificate is issued, or when a refund of a Member's contributions is made to the Member upon termination of his employment, all liability on the part of the Employer with respect to Pension Credits accrued up to the date of such certificate or refund, shall cease.

In the case of a Member who is retired under the Disability provisions of the Plan, payment of benefits may be on a month to month or year to year basis, at the discretion of the Employer, until the Employee attains his Normal Retirement date when he shall be entitled to receive a Certificate issued by the Insurer and the payment of benefits shall no longer be subject to cancellation or suspension.

*Proof of Age:*

24. Before any pension benefit accruing to a Member under this Plan may be paid, proof of the age of the Member satisfactory to the Employer and to the Insurer must be supplied.

*Amendment and Discontinuance:*

25. The Employer reserves the right to amend or discontinue the Plan provided always:

- (a) that no such amendment or discontinuance shall entitle the Employer to recover any contribution whatever made by it into the Plan;
- (b) that no such amendment or discontinuance shall reduce the accumulated benefits which have accrued to the Members under the Plan by reason of their service to the Employer up to the date of such amendment or discontinuance and with respect to which the required contributions to the Fund have already been made.



## CHAPTER 141

## An Act respecting the City of Fort William

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Fort William, Preamble  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Island No. 1, lying at the mouth of the Kaministiquia River, shall be henceforth known and described as McKellar Island.

**2.** Island No. 2, lying between the McKellar River and the Mission River, shall be henceforth known and described as Mission Island.

**3.** McKellar Island, Mission Island and Mutton Island (also known as Georgina Island), together with those portions of the Fort William Indian Reserve No. 52 that have been granted to or acquired by the Corporation or others and that have become subject to the control and jurisdiction of the Legislative Assembly of the Province of Ontario, shall be and form part of the Corporation.

**4.** All other lands now forming part of the Fort William Indian Reserve No. 52 that may from time to time be acquired by the Corporation or others under patent from the Crown in right of Canada, as represented by the Department of Indian Affairs, shall, so soon as such lands are granted to or acquired by the Corporation or others and otherwise become subject to the control of the jurisdiction of the Legislative Assembly of the Province of Ontario, be and form part of the Corporation, and such lands shall, as soon as they become part of the Corporation, be and form part of Ward 4 of the City of Fort William.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Fort William Act, 1960*.

## CHAPTER 142

## An Act respecting the City of Hamilton

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has represented that it may wish to purchase all the shares of The Hamilton Street Railway Company, at such price and subject to such terms and conditions as may be determined by the Council and approved by the Ontario Municipal Board; and whereas the petitioner has prayed that it may be authorized to issue debentures of the Corporation, by by-law to be passed without the assent of the electors, the amount of the purchase price aforesaid; and whereas the petitioner has also prayed that it be authorized to transfer all such shares to a commission which may be established by the Corporation as hereinafter provided, which transfer would carry with it the ownership and control of The Canada Coach Lines Limited, which is a wholly-owned subsidiary of The Hamilton Street Railway Company, and that the Commission be empowered to operate, maintain and extend the whole of the transportation system of The Hamilton Street Railway Company and The Canada Coach Lines Limited, and to exercise the powers and duties hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Commission" means the Hamilton Transit Commission;
- (b) "Company" means The Hamilton Street Railway Company;
- (c) "Corporation" means The Corporation of the City of Hamilton;
- (d) "Council" means the council of The Corporation of the City of Hamilton.

Power  
to acquire  
Company

**2.—**(1) The Corporation is authorized to acquire by by-law of the Council, without the assent of the electors, all the shares of the Company at such price and upon such terms and conditions as may be determined by the Council and approved by the Ontario Municipal Board.

Debentures

(2) The Council may pass a by-law, without the assent of the electors, to authorize the issue of debentures of the Corporation in such principal amount as the Council deems necessary for the purpose of acquiring all the shares of the Company, and may for such purpose sell such debentures or deliver them to the shareholders of the Company.

Establish  
Commission

(3) In the event that the Corporation acquires the shares of the Company as aforesaid, the Council shall by by-law establish a commission, under the name of "Hamilton Transit Commission", for the general management, operation and control of the transportation system of the Company and its subsidiary hereinafter mentioned, with powers, rights, duties and responsibilities as hereinafter provided, and shall transfer to the Commission the shares of the Company so acquired, on such terms as the Corporation shall by by-law of the Council determine, the transfer to carry with it the ownership and control of The Canada Coach Lines Limited, which is a wholly-owned subsidiary of the Company.

Raise  
further  
sums

(4) The Council is authorized to raise upon debentures of the Corporation or otherwise, by by-law to be passed without the assent of the electors, such sums as may from time to time be required for the purposes of the Commission.

Composition  
of Com-  
mission

**3.—**(1) The Commission shall be a body corporate and shall consist of three members, who shall be residents of the City of Hamilton or of municipalities adjacent thereto and who shall be appointed by the Council on the nomination of the board of control, and the members so appointed shall hold office for three years concurrently and until their successors are appointed.

Termination  
of office

(2) The term of office of any member of the Commission may at any time be terminated upon the recommendation of the board of control by by-law of the Council passed by a vote of at least two-thirds of the members of the Council.

Chairman

(3) One of the members of the Commission shall be appointed chairman by the Council on the nomination of the board of control and shall hold office for one year and until his successor is appointed and may be removed upon the

recommendation

recommendation of the board of control by by-law of the Council passed by a vote of at least two-thirds of the members of the Council.

(4) Where a vacancy occurs from any cause, the Council shall as soon as possible appoint in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed, and a vacancy in the office of chairman shall be similarly filled. <sup>Filling vacancies</sup>

(5) No member of the Council is eligible to be appointed a member of the Commission during his term of office or, in the event that he shall have for any reason ceased to be a member of the Council, during the unexpired term for which he was elected. <sup>Council members not eligible</sup>

(6) Any member of the Commission is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified. <sup>Re-appointment</sup>

(7) A majority of the members of the Commission constitute a quorum. <sup>Quorum</sup>

(8) Neither the chairman nor any member of the Commission is entitled to any remuneration for his services in respect thereof. <sup>No remuneration</sup>

4.—(1) Upon the transfer of the shares to the Commission, as aforesaid, the Commission has the right to hold and vote the shares and is responsible for the general management, regulation and control of the Company and of the public transportation system owned by it, including, subject to the provisions of *The Highway Traffic Act* and *The Public Vehicles Act* with respect to services outside the City of Hamilton, the transportation system of the Company and its subsidiary, and, without restricting the generality of the foregoing, has power, <sup>Powers of Commission</sup>

(a) to enact by-laws for the better government and control of its affairs, operations and undertakings;

(b) to borrow by way of temporary loans from any chartered bank sums not exceeding \$200,000 at any time, but the Commission has no power to mortgage any property;

(c) to requisition the Corporation from time to time for any moneys necessary to carry out its powers and duties, but nothing in this Act divests the Council of its right to refuse to provide any such moneys.



Payment  
of moneys to  
Commission

(2) When any such moneys are authorized by the Council, the treasurer of the Corporation shall pay such moneys to the Commission.

Idem

(3) It is also the duty of the Commission to consider generally all matters relating to local transportation and, subject to the provision of any necessary funds by the Council, to provide such facilities as it may consider necessary for such purpose.

Finances

**5.**—(1) With the intent that the transportation system shall be self-sustaining, the Commission shall so establish a fare structure that revenues shall be produced that shall be, in each year, sufficient to provide for,

- (a) the operation and maintenance expenses, including provisions for depreciation at rates that are generally accepted as being adequate in the transportation industry;
- (b) the interest and principal on the outstanding long-term indebtedness of the Company and of its wholly-owned subsidiary as at the date of purchase by the Corporation;
- (c) the interest and principal payable on the debentures issued by the Corporation to acquire the transportation system and the interest and principal on any moneys subsequently borrowed by the Corporation for the purposes of the Commission;
- (d) a reasonable sum to be credited to a reserve for the stabilization of fares.

Surplus  
funds

(2) Any funds remaining in any year after provision has been made for the purposes set forth in subsection 1 shall be allocated by the Commission for the improvement and extension of the transportation system.

Debenture  
payments

(3) The Commission shall remit to the Corporation, on or before the maturity date thereof, any interest and principal payable by the Corporation as provided for in clause c of subsection 1.

Report to  
Council

**6.** Before the 28th day of February of each year, the Commission shall submit to the Council a report on the transportation system in a form approved by the Council.

Inspection  
of accounts,  
etc.

**7.** The auditors of the Corporation shall be the auditors of the Commission, and all books, documents, transactions and

accounts of the Commission shall at all times be open for the inspection of the treasurer and the auditors of the Corporation.

**8.** The Commission shall at all times cause to be insured all Insurance real and personal property of the Company and its subsidiary, and such insurance shall include public liability and indemnity insurance in connection with all phases of the operation of the Company and its subsidiary, except only such items of liability as may be covered by *The Workmen's Compensation Act*. R.S.O. 1950, c. 430

**9.** All claims, accounts and demands arising from or relating Claims to the operation, management or control of the transportation system or from the exercise of any of the powers of the Commission shall be made upon and brought against the Commission and not upon or against the Corporation, and the Commission may sue and be sued in its own corporate name.

**10.** The power of the Corporation to acquire land for its Acquiring land purposes shall be deemed to include the power to acquire land for the purposes of the Commission and the power to transfer to the Commission the title to any such land.

**11.** The Corporation may at any time by by-law of the May Council require the Commission to apply to the Provincial wind up Secretary to wind up the corporate existence of The Hamilton Company, etc. Street Railway Company and The Canada Coach Lines Limited, or either of them, and the Commission shall thereupon and thereafter stand for all purposes in the place and stead of the entity so wound up.

**12.** This Act comes into force on the day it receives Royal Commence- Assent. ment

**13.** This Act may be cited as *The City of Hamilton Act*, Short title 1960.



CHAPTER 143

An Act to incorporate Huntington University

*Assented to March 28th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The United Church of Canada by its petition Preamble  
has represented that it is desirous of extending its participation in higher education by establishing in Northern Ontario a church-related university having the power to federate with another university or other universities either church-related or non-denominational; and whereas the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,

  - (a) “Board” means The Board of Regents of Huntington University;
  - (b) “federated college” means a university or college federated with the University;
  - (c) “President” means the President of the University;
  - (d) “property” includes all property, both real and personal;
  - (e) “real property” includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and estate and interest therein;
  - (f) “Senate” means the Senate of the University;
  - (g) “University” means Huntington University.

Interpre-  
tation

**2.** Gordon H. Aiken, John W. Adamson, Dalton Caswell, University  
incorporated  
Norman G. Grant, Reverend Earl S. Lautenslager, Thomas M.

Palmer,

Palmer, Walter Tate, Thornley Virene, Donald Lough, Reverend Frank L. Stymiest, Dr. Robert Nelson, Chester Jury, Donald Best, Norman Wadge, Gordon Edwards, Walter Muncaster and such other persons as may hereafter be elected Chancellor, President or a member of the Board are hereby created a body corporate with perpetual succession and a common seal under the name of "Huntington University".

University  
powers re  
faculties,  
degrees, etc.

**3.** The University has university powers, including,

- (a) the power to establish a college of Arts and Science, to be known as Huntington College, and such other colleges, faculties, schools, institutes, departments and chairs as may be determined by the Board, but the curricula of all courses of instruction shall be determined by the Senate;
- (b) the power to confer degrees, honorary degrees and awards in any and all the branches of learning, provided that, if the University enters into federation with a non-denominational university that has degree-granting powers, the degree-granting powers of the University, except in theology, shall be held in abeyance during such time as it remains in such federation;
- (c) the power to permit federation or affiliation of other colleges or universities with the University on such terms as the Board may decide.

Religious  
tests not  
to be  
required

**4.** The University shall be carried on as a Christian school of learning, but no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University.

Property

R.S.O. 1950,  
c. 184

**5.**—(1) The University has, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to acquire by purchase, lease, gift, devise, bequest or otherwise any real or personal property absolutely or in trust and to hold and enjoy any estate or property whatsoever and to sell, grant, exchange, convey, mortgage, lease and otherwise alienate the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding.

University  
powers

(2) The University has the power to,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms and corporations,

including



including chartered banks, as may be determined by the Board;

- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge or charge any or all personal and real property of the University to secure any money so borrowed or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the University to secure any such bonds, debentures and obligations.

(3) The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the University, subject to any trusts affecting the same, may be invested under the powers of investment in the *Canadian and British Insurance Companies Act*, and all property and revenue of the University shall be applied for the attainment of the objects for which the University is constituted and to the payment of expenses to be incurred for objects connected with or depending on the purposes aforesaid.

Investment of surplus funds  
R.S.C. 1952, c. 31

6. The property vested in the University shall not be liable to taxation for provincial, municipal or school purposes and shall be exempt from every description of taxation so long as it is actually used and occupied for the purpose of the University.

Tax exemption

7. Real property vested in the University shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Real property not liable to expropriation

8. All proceedings by or against the University may be had and taken in the name of "Huntington University".

Proceedings in name of University

Liability  
of members,  
etc.

**9.** Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the members or officers of the University, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account of or in respect of any matter or thing whatsoever relating to the University.

Management  
of  
University

**10.** Except as to such matters as are by this Act specifically assigned to the Senate, the government, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in a board under the name of "The Board of Regents of Huntington University" and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint or remove the President;
- (b) to appoint or remove, on recommendation of the President, the Principal of Huntington College and the head of any other college, faculty, school or institute established by the University;
- (c) to appoint or remove, on recommendation of the President, the professors and other members of the teaching staff of the University, other than federated or affiliated colleges, and to appoint all other officers, agents and servants of the University;
- (d) to fix the numbers, duties, salaries and other emoluments of the officers, teachers, agents and servants of the University;
- (e) to appoint an Executive Committee and such other committees as it may deem advisable, and to delegate to any such committee any of its powers;
- (f) to borrow money for the purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (g) to make by-laws and regulations not inconsistent with the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

**11.** The Board shall consist of seventeen members in all, <sup>Constitution of Board</sup> comprised as follows:

1. The President *ex officio*.
2. The following eight persons: Gordon H. Aiken; J. W. Adamson; Dalton Caswell; Norman G. Grant; Reverend Earl S. Lautenslager; Thomas M. Palmer; Walter Tate, and Thornley Virene.
3. Eight persons to be named by the General Council of The United Church of Canada.

**12.**—(1) Unless their appointment or election shall be <sup>Terms of office</sup> otherwise designated, the members of the Board shall hold office as follows:

- (a) of the members mentioned in paragraph 2 of section 11, one-half, to be chosen by the members of the Board, shall hold office for two years and the remaining one-half shall hold office for four years after the incorporation of the University; and
- (b) the members appointed by the General Council of The United Church of Canada shall hold office from the time of appointment until their successors are named at the next succeeding meeting of the General Council.

(2) As the term of any member of the Board expires, such <sup>Eligible for re-appointment</sup> member shall be eligible for re-appointment.

(3) Except as otherwise provided in this Act, all members <sup>Elected by Board</sup> of the Board shall be elected by the Board.

**13.** No persons on the teaching staff or administrative <sup>Eligibility of staff</sup> staff of the University, other than the President, are eligible for membership on the Board.

**14.** The Board shall elect a chairman from among its own <sup>Chairman</sup> members.

**15.** After thirty days notice to any member, the Board <sup>Vacancy</sup> may, by resolution passed by at least two-thirds of the votes cast at a meeting of the Board, declare vacant the seat of such member.

**16.** There shall be a Senate of the University composed of, <sup>Senate</sup>

- (a) the President *ex officio*;

(b)

- (b) the Principal of Huntington College and the head of any other college, faculty, school or institute established by the University;
- (c) all active members of the permanent teaching staff of the University;
- (d) two members of the Board appointed by the Board; and
- (e) four persons to be named by the General Council of The United Church of Canada.

Senate,  
powers

**17.** The Senate is responsible for the educational policy of the University and, without limiting the generality of the foregoing, has power,

- (a) to provide for the regulation and conduct of its proceedings, including the determination of the quorum necessary for the transaction of business;
- (b) subject to the terms of federation in a non-denominational university as provided in clause *b* of section 3, to provide for the granting of and to grant degrees, including honorary degrees, in the several colleges and faculties that are or may be from time to time established and to determine the standards of admission, the courses of study and the qualifications for degrees;
- (c) to conduct examinations and appoint examiners;
- (d) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (e) to provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this section;
- (f) to enact statutes regulating the powers conferred by this section; and
- (g) to deal with such matters and affairs as may from time to time be committed to it by the Board.

President

**18.** There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

**19.**—(1) The President shall be the chief executive officer of the University and shall be chairman of the Senate. President  
chief  
executive  
officer, etc.

(2) The President has supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and has such other powers and duties as may from time to time be conferred upon or assigned to him by the Board. Powers  
and  
duties

**20.** There shall be a Principal of Huntington College who shall be responsible to the President for the direction of the teaching of the liberal arts and science in that college and who shall perform such other duties as may from time to time be assigned to him by the Board. Principal  
of College

**21.** At the pleasure of the Board, the same person may simultaneously hold the offices of President of the University and Principal of Huntington College. Office of  
President  
and  
Principal  
held by  
same person

**22.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**23.** This Act may be cited as *The Huntington University Act, 1960*. Short title





## CHAPTER 144

## An Act respecting The Incorporated Synod of the Diocese of Toronto

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Incorporated Synod of the Diocese of <sup>Preamble</sup> Toronto, herein called the Synod, by its petition has represented that by *An Act to enable the Incorporated Synod of the Diocese of Toronto to consolidate and manage its Trust Funds*, being chapter 101 of the Statutes of Ontario, 1891, it was empowered to hold, manage and invest all its personal property, securities and moneys, which were or should thereafter become vested or held by the Synod, in trust as one general trust fund, herein called the Consolidated Trust Fund; and whereas by *An Act respecting The Incorporated Synod of the Diocese of Toronto*, being chapter 127 of the Statutes of Ontario, 1949, it was enabled to invest 30 per cent of the book value of the assets then or thereafter comprising the Consolidated Trust Fund in any investments or securities that were then or might thereafter be authorized investments for joint stock insurance companies and cash mutual insurance corporations under *The Companies Act*; and whereas the Synod is desirous of being empowered to invest the assets of the Consolidated Trust Fund in such manner and in such investments or securities as may enable it to obtain a greater diversity of investment and an increase in the income derived therefrom; and whereas the petitioner has prayed that special legislation be passed for such purpose; and whereas it is expedient to grant the prayer of the petition; <sup>R.S.O. 1937, c. 251</sup>

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Synod may invest and re-invest all the assets now <sup>Investment</sup> or hereafter comprising the Consolidated Trust Fund in such <sup>of Consolidated Trust Fund</sup> investments as are now or may hereafter be authorized under the provisions of *The Corporations Act, 1953* for joint stock <sup>1953, c. 19</sup> insurance companies, subject to the limitations and restrictions imposed on the investments of such companies by that Act.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Incorporated Synod of the Diocese of Toronto Act, 1960*.

## CHAPTER 145

**An Act respecting the Town of Ingersoll**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Town of Ingersoll, <sup>Preamble</sup> herein called the Corporation, by its petition has represented that sewage works in the Town of Ingersoll have been constructed under the appropriate legislative provisions, that either areas have been created providing that one-third of the costs thereof, excluding maintenance, operation and management costs, shall be assessed and levied on all the rateable property in the Town and that the remaining two-thirds of the costs thereof shall be assessed and levied on the rateable property in the Town set forth in the Schedule hereto, the owners or occupants of which derive an immediate benefit from such sewage construction and operation, or a sewer rate has been provided to be imposed upon the owners deriving a benefit from such sewage works and that, in addition to the two-thirds share of the costs thereof, provision has been made for such annual sums as may be required for the costs of maintenance, operation and management thereof; and whereas all areas in the Town of Ingersoll benefit by the fact that sewage works are constructed and it is desirable to provide,

- (a) that one-third of the capital costs of all sewage works shall be assessed and levied on all the rateable property in the Town;
- (b) that the remaining two-thirds of the capital costs of all sewage works shall be assessed and levied on all rateable property in the Town, set forth in the Schedule hereto, the owners or occupants of which derive an immediate benefit therefrom; and
- (c) that By-laws Nos. 2020, 2043, 2078, 2164, 2193 and 2255, and the levies heretofore made thereunder, be validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof from the respective dates of the passing of such by-laws;

and

and whereas the petitioner has prayed for special legislation in connection therewith; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-  
tation

**1.** In this Act,

- (a) "capital costs" means the costs of constructing sewage works, inclusive of all items of cost usually and properly chargeable to capital account;
- (b) "sewage works" means any public works for the treatment or disposal of sewage, including the sites for the erection of such works, the outfall pipes to carry the effluent from such works, the inlet pipes located on such sites and major trunk sanitary sewer designed to serve the areas, and pumping stations used in connection therewith.

Capital  
cost of  
existing  
sewage  
works

**2.** Notwithstanding any Act or by-law to the contrary, one-third of all the outstanding capital costs and capital charges for sewage works in the Town of Ingersoll existing on the 1st day of January, 1960, shall be assessed and levied on all the rateable property in the Town and the remaining two-thirds of the capital costs and capital charges for such sewage works shall be assessed and levied on the rateable property in the Town set forth in the Schedule hereto, the owners or occupants of which derive an immediate benefit therefrom and on all land the owners or occupants of which derive or will or may derive a benefit from any future extension or addition to the sewage works existing on the 1st day of January, 1960.

Area rates  
prohibited

**3.** Notwithstanding any Act or by-law to the contrary, no rate shall be levied upon any area or areas in the Town of Ingersoll other than the rates provided for in section 2 with respect to outstanding capital costs and capital charges of sewage works of the Town existing on the 1st day of January, 1960.

Approval  
of future  
by-law  
required  
R.S.O. 1950,  
c. 243

**4.** Notwithstanding the other provisions of this Act, hereafter all by-laws of the Town of Ingersoll, relating to sewage works of the Town, shall be approved in accordance with the terms of *The Municipal Act* or any other Act relating thereto.

Operation  
costs

**5.** The maintenance, operation and management costs of sewage works constructed under any by-law of the Town of Ingersoll existing on the 1st day of January, 1960, shall be

assessed



assessed and levied on the rateable property in the Town set forth in the Schedule hereto, the owners or occupants of which derive an immediate benefit therefrom and on all land the owners or occupants of which derive or will or may derive a benefit from any future extension or addition to the sewage works existing on the 1st day of January, 1960.

6. Notwithstanding *The Local Improvement Act* or *The Ontario Water Resources Commission Act, 1957*, the council of the Corporation may by by-law undertake the construction of sewage works in accordance with *The Local Improvement Act* or enter into agreements with the Ontario Water Resources Commission and provide therein that the capital costs and capital charges thereof shall be assessed and levied on the basis set out in section 2 and further providing that the maintenance, operation and management costs shall be assessed and levied on the basis set out in section 5.

Future  
sewage  
works

R.S.O. 1950  
c. 215;  
1957, c. 88

7. By-laws Nos. 2020, 2043, 2078, 2164, 2193 and 2255 of the Corporation, and the levies heretofore made thereunder, are hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof from the respective dates of the passing of such by-laws.

By-laws  
validated

8. This Act shall be deemed to have come into force on the 1st day of January, 1960.

Commence-  
ment

9. This Act may be cited as *The Town of Ingersoll Act, 1960*.

Short title

## SCHEDULE

## THAMES STREET NORTH, West Side

- Lots Nos. 2 and 3, Block LXXIII, Plan 279.
- Lots Nos. 1 to 3, 5B and the west half of Lot 6B, Block LXXX, Plan 279.
- Lots Nos. 7A to 18A inclusive, Block LXXXVII, Plan 279.
- Lots Nos. 266 to 275 inclusive, 277 and 278, 1A and 2A, Block CI, Plan 279.

## THAMES STREET NORTH, East Side

- Lots Nos. 4 to 7 inclusive, Block Q, Plan 279.
- Lots Nos. 8 to 11 inclusive, Block O, Plan 279.
- Lots Nos. 12 to 15 inclusive, Block M, Plan 279.
- Lots Nos. 16 to 19 inclusive, Block K, Plan 279.
- Lots Nos. 20 to 23 inclusive, Block H, Plan 279.
- Lots Nos. 24 to 27 inclusive, Block F, Plan 279.
- Lots Nos. 28 to 31 inclusive, Block E, Plan 279.
- Lots Nos. 32 to 37 inclusive, Block C, Plan 279.

## VICTORIA STREET, South Side

- Lots Nos. 3, 296, 297, 249, 4, 5, 6, 12, 13 and 1A, Block LXXIII, Plan 279.
- Lots Nos. 11 to 21 inclusive, 1 to 7 inclusive, Block LXXIV, Plan 279.

## VICTORIA STREET, North Side

- Lots Nos. 3 to 10 inclusive, Block LXXX, Plan 279.
- Lots Nos. 1 to 8 inclusive, Block LXXXI, Plan 279.
- Lots Nos. 1, 2A to 8A inclusive, Block LXXXII, Plan 279.

## BELL STREET, North Side

- Lots Nos. 7A, 21 and 1, Block LXXXVII, Plan 279.

## JOHN STREET, East Side

- Lots Nos. 5A and 6A, Block LXXX, Plan 279.
- Lots Nos. 1 to 13 inclusive, Block LXXXVII, Plan 279.

## JOHN STREET, West Side

- Lots Nos. 250, 1A to 3A inclusive, Block LXXXI, Plan 279.
- Lots Nos. 4 to 13 inclusive, 17, Block LXXXVIII, Plan 279.

## ALMA STREET, North Side

- Lots Nos. 6 to 8 inclusive, Block K, Plan 279.
- Lots Nos. 9 to 18 inclusive, Block L, Plan 279.

## ALMA STREET, South Side

- Lots Nos. 6 to 8 inclusive, Block M, Plan 279.
- Lots Nos. 9 to 18 inclusive, Block N, Plan 279.

## CARNEGIE STREET, North Side

- Lots Nos. 4, 1 to 5 inclusive, Block Q, Plan 279.

## CARNEGIE STREET, South Side

- Lots Nos. 3, 4 to 9 inclusive, Block S, Plan 279.

**CATHARINE STREET, North Side**

Lots Nos. 8, 1 to 6 inclusive, Block O, Plan 279.

**CATHARINE STREET, South Side**

Lots Nos. 7, 1 to 6 inclusive, Block Q, Plan 279.

**EVELYN AVENUE, West Side**

Lots Nos. 6, 43 to 53 inclusive, Block CX, Plan 301.

**EVELYN AVENUE, East Side**

Lots Nos. 7, 64 to 74 inclusive, Block CX, Plan 301.

**GEORGE STREET, West Side**

Lots Nos. 5 and 6, Block Q, Plan 279.  
Lots Nos. 6 and 7, Block O, Plan 279.  
Lots Nos. 7 and 8, Block M, Plan 279.  
Lots Nos. 8 and 9, Block K, Plan 279.

**GEORGE STREET, East Side**

Lots Nos. 6 and 7, Block R, Plan 279.  
Lots Nos. 7 and 8, Block P, Plan 279.  
Lots Nos. 8 and 9, Block N, Plan 279.  
Lots Nos. 9 and 10, Block L, Plan 279.

**KING SOLOMON STREET, North Side**

Lots Nos. 1 to 13 inclusive, Block CX, Plan 301.

**KING SOLOMON STREET, South Side**

Lots Nos. 5 to 8 inclusive, Block CIX, Plan 279.

**BRUCE STREET, West Side**

Lots Nos. 9 and 10, Block CVII, Plan 279.

**BRUCE STREET, East Side**

Lots Nos. "C" and 11, Block CVIII, Plan 279.

**METCALFE STREET, North Side**

Lots Nos. 1 to 10 inclusive, Block CVII, Plan 279.

**METCALFE STREET, South Side**

Lots Nos. 1 to 9 inclusive, Block CV, Plan 279.

**MUTUAL STREET, West Side**

Lot No. 16, Block N, Plan 279.  
Lots Nos. 20 and 22, Block I, Plan 279.  
Lots Nos. 22 and 23, Block G, Plan 279.  
Lots Nos. 22 and 21, Block D, Plan 279.

**MUTUAL STREET, East Side**

Lot No. 1, Block CVII, Plan 279.  
Lots Nos. 1 and 8, Block CIX, Plan 279.  
Lots Nos. 1, 22 to 32 inclusive, Block CX, Plan 301.  
Lots Nos. 33 to 39 inclusive, Block CX, Plan 301.

## WILLIAM STREET, North Side

Lots Nos. 8 to 16 inclusive, Block N, Plan 279.

## WILLIAM STREET, South Side

Lots Nos. 8 to 16 inclusive, Block P, Plan 279.

## CHARLES STREET EAST, North Side

Lots Nos. 177 to 179 inclusive, Block XXXVII, Plan 279.

Lots Nos. 1 to 4 inclusive, 180, Block XXXVIII, Plan 279.

Lots Nos. 184 to 186 inclusive, 19 to 23 inclusive, Block XXXIX, Plan 279.

## CHARLES STREET EAST, South Side

Lot No. 10, Block XLI, Plan 279.

Lots Nos. 11 to 16 inclusive, Block XLII, Plan 279.

Lots Nos. 1B to 3B inclusive, 1A and 2A, 4A and 5A, Block XLIII, Plan 279.

Lots Nos. 1 to 8 inclusive, Block XLIV, Plan 279.

## ST. ANDREWS STREET, North Side

Lots Nos. 15, 1, Block XXXVI, Plan 279.

## ST. ANDREWS STREET, South Side

Lots Nos. 10 to 14 inclusive, 175, 176, 178, Block XXXVII, Plan 279.

## WATER STREET, West Side

Lots Nos. 1A to 7A inclusive, 32 to 35 inclusive, Lot 10, Block XLI, Plan 279.

## WATER STREET, East Side

Lots Nos. 11, 17, 192 and 193, 23 to 27 inclusive, Lot 29, Block XLII, Plan 279.

## KING STREET EAST, North Side

Lots Nos. 1D to 6D inclusive, 1E to 4E inclusive, Block XLIII, Plan 279.

Lot No. 201, Block LI, Plan 279.

Lots Nos. 1A to 3A inclusive, 1 and 2, Block XLI, Plan 279.

Lots Nos. 1 to 6 inclusive, 7A and 8A, Block L, Plan 279.

## KING STREET EAST, South Side

Lots Nos. 2B to 11B inclusive, Block LII, Plan 279.

Lots Nos. 1 and 4A, Block LIII, Plan 279.

Lots Nos. 1 to 13 inclusive, 210, Block LIV, Plan 279.

Lot No. 211, Block LIX, Plan 279.

## MILL STREET, West Side

Lots Nos. 16 to 28 inclusive, Block XLII, Plan 279.

## MILL STREET, East Side

Lots Nos. 1B, 1C to 5C inclusive, 6D, Block XLIII, Plan 279.

## CARROLL STREET, West Side

Lots Nos. 1A, 1 to 11 inclusive, 1E, Block XLIII, Plan 279.

## CARROLL STREET, East Side

Lot No. 1, Block XLIV, Plan 279.

Lots Nos. 1A to 5A inclusive, 194 and 201, Block LI, Plan 279.

## WELLINGTON STREET, West Side

Lot No. 2B, Block LII, Plan 279.

Lots Nos. 2A, 1A, 5A, Block LII, Plan 279.

Lots Nos. 1 to 5 inclusive, Lot "A", Block LXIV, Plan 279.

Lots Nos. 1 to 4 inclusive, 15 and 16, 26 and 27, Block LXIV, Plan 279.

## WELLINGTON STREET, East Side

Lots Nos. 1 to 4 inclusive, Block LIII, Plan 279.

Lots Nos. 3A to 6A inclusive, 4B, Block LV, Plan 279.

Lots Nos. 4A, 1C to 5C inclusive, Victoria Park, Block LXV, Plan 279.

## NOXON STREET, North Side

Lot No. "A", Block LXIV, Plan 279.

## NOXON STREET, South Side

Lots Nos. 23 to 37 inclusive, Block LXVI, Plan 279.

## WELLINGTON AVENUE, North Side

Lots Nos. 2, 5 to 9 inclusive, Block LXIV, Plan 349.

## WELLINGTON AVENUE, South Side

Lots Nos. 3, 10 to 14 inclusive, Block LXIV, Plan 349.

## NELSON STREET, North Side

Lots Nos. 16 to 21 inclusive, Block LXIV, Plan 349.

## NELSON STREET, South Side

Lots Nos. 22 to 26 inclusive, Block LXIV, Plan 349.

## CONCESSION LINE STREET, North Side

Lots Nos. 4 and 1A, Block LIII, Plan 279.

Lots Nos. 239 and 240, Block LIV, Plan 279.

## CONCESSION LINE STREET, South Side

Lots Nos. 3A, 2A, 1, Block LV, Plan 279.

## HALL STREET, West Side

Lots Nos. 1A to 4A inclusive, Block LIII, Plan 279.

Lots Nos. 1 to 4 inclusive, 2D, 7D, 8 to 14 inclusive, Block LV,  
Plan 279.

## HALL STREET, East Side

Lot No. 13, Block LIV, Plan 279.

Lots Nos. 1 to 7 inclusive, Block LVI, Plan 279.

Lots Nos. 8 to 13 inclusive, Block LVIII, Plan 279.

## CANTERBURY STREET, North Side

Lots Nos. 244, 6A and 5A, Block LII, Plan 279.

Lots Nos. 1B to 4B inclusive, 1C to 5C inclusive, Lot 14, Block LV,  
Plan 279.



## CANTERBURY STREET, South Side

Lots Nos. 5 to 8 inclusive, Block LXIV, Plan 279.  
Lots Nos. 1A to 4A inclusive, 1 to 9 inclusive, Block LXV, Plan 279.

## KING STREET WEST, North Side

Lots Nos. A, B, C, D, 3A, 4A and 5A, Block IV, Plan 279.  
Lots Nos. 5 to 8 inclusive, Block V, Plan 279.  
Lots Nos. 1, 2 and 11, Block VI, Plan 279.  
Lots Nos. 1, 2, 8 and 9, Block VII, Plan 279.  
Lots Nos. 1, 2, 10 and 11, Block VIII, Plan 279.  
Lots Nos. 1 to 4 inclusive, Block IX, Plan 279.  
Lots Nos. 9 to 12 inclusive, Block X, Plan 279.  
Lots Nos. 1 to 7 inclusive, Block XI, Plan 279.  
Lots Nos. 1A to 4A inclusive, Block XII, Plan 279.  
Lots Nos. 1 to 7 inclusive, Block XII, Plan 279.  
Lot No. 6A, Block XII, Plan 279.

## KING STREET WEST, South Side

Lots Nos. 2B and 3B, Block XIII, Plan 279.  
Lots Nos. 5 to 8 inclusive and 9A, Block XIV, Plan 279.  
Lots Nos. 10 to 16 inclusive and 105, Block XV, Plan 279.  
Lots Nos. 13 to 15 inclusive and Lot 1, Block XVI, Plan 279.  
Lots Nos. 11 to 14 inclusive, Block XVII, Plan 279.  
Lots Nos. 133 and 138, Block XVIII, Plan 279.  
Lots Nos. 1 to 4 inclusive, Block XIX, Plan 279.  
Lots Nos. 1 to 4 inclusive, Block XX, Plan 279.  
Lots Nos. 142 and 143, Block XXVII, Plan 279.

## CHARLES STREET WEST, North Side

Lots Nos. 119, 120 and 2 to 9 inclusive, Block I, Plan 279.  
Lots Nos. 10A to 16A inclusive, Block I, Plan 279.  
Lots Nos. 17 to 22 inclusive, Block II, Plan 279.  
Lots Nos. 129 and 130, Block III, Plan 179.

## CHARLES STREET WEST, South Side

Lot No. 2A, Block IV, Plan 279.  
Lots Nos. 1 to 4 inclusive, Block V, Plan 279.  
Lots Nos. 113 to 118 inclusive, Block VI, Plan 279.  
Lots Nos. 5 to 7 inclusive, Block VII, Plan 279.  
Lots Nos. 3A and 4A, Block VII, Plan 279.  
Lots Nos. 1A, 2A, 6 and 7, Block VIII, Plan 279.  
Lots Nos. 10 to 12 inclusive, Block IX, Plan 279.  
Lots Nos. 3 to 6 inclusive, Block X, Plan 279.  
Lot No. 13, Block XI, Plan 279.

## THAMES STREET SOUTH, West Side

Lots Nos. 18 to 25 inclusive, Block XXXIV, Plan 279.  
Lots Nos. 10 to 17, Block I, Plan 279.  
Lots Nos. 1 to 9 inclusive, Block IV, Plan 279.  
Lots Nos. 1 to 12 inclusive, Block XIII, Plan 279.  
Lots Nos. 1, 2 and 1A, 161, 162, 163, 7A, 8A, 9A and 1B to 5B inclusive,  
Block XXVIII, Plan 279.  
Lots Nos. 1 to 5 inclusive, Block XXX, Plan 279.

## THAMES STREET SOUTH, East Side

Lots Nos. 18 to 22 inclusive and 23A, Block XXXV, Plan 279.  
Lots Nos. 15 to 17 inclusive, Block XXXVI, Plan 279.  
Lots Nos. 10 to 14 inclusive, Block XXXVII, Plan 279.  
Lots Nos. 1 to 9 inclusive, Block XLI, Plan 279.  
Lots Nos. 1 to 13 inclusive, Block LII, Plan 279.  
Lots Nos. 164 to 167 inclusive, Block LXIV, Plan 279.  
Lots Nos. 1 to 7 inclusive, Block LXIV, Plan 279.

## OXFORD STREET, West Side

Lots Nos. 1B to 3B inclusive, Block V, Plan 279.  
Lots Nos. 1 to 5 inclusive, Block XIV, Plan 279.  
Lots Nos. 6 to 11 inclusive, Block XXI, Plan 279.  
Lots Nos. 151 to 159 inclusive, Block XXIX, Plan 279.  
Lots Nos. 1A to 5A inclusive, Block XXIX, Plan 279.

## OXFORD STREET, East Side

Lots Nos. 2A, 1A and 3A, Block IV, Plan 279.  
Lots Nos. 1A to 11A inclusive, Block XIII, Plan 279.  
Lots Nos. 8, 9, 160 and 163, Block XXVIII, Plan 279.  
Lots Nos. 1C to 5C inclusive, Block XXVIII, Plan 279.  
Lots Nos. 7B to 11B inclusive, Block XXVIII, Plan 279.

## DUKE STREET, West Side

Lots Nos. 3 to 5 inclusive and 112, Block VI, Plan 279.

## DUKE STREET, East Side

Lots Nos. 1A, 2A and 8, Block V, Plan 279.

## DUKE LANE, North Side

Lots Nos. 112 and 116, Block VI, Plan 279.

## DUKE LANE, South Side

Lot No. 111, Block VI, Plan 279.

## CHURCH STREET, East Side

Lots Nos. 111, 116 and 118, Block VI, Plan 279.

## CHURCH STREET, West Side

Lots Nos. 1, 3, 4 and 5, Block VII, Plan 279.

## EARL STREET, East Side

Lots Nos. 9 to 11 inclusive, Block XIV, Plan 279.  
Lots Nos. 3 to 5 inclusive and 6A, Block XXI, Plan 279.

## EARL STREET, West Side

Lots Nos. 6 to 8 inclusive and 4, Block XV, Plan 279.  
Lots Nos. 1 to 5 inclusive, Block XXII, Plan 279.

## ALBERT STREET, East Side

Lots Nos. 5A to 7A inclusive, Block VII, Plan 279.  
Lots Nos. 105 to 108 inclusive, Block XV, Plan 279.  
Lots Nos. 10 to 14 inclusive and 18, Block XXII, Plan 279.

## ALBERT STREET, West Side

Lots Nos. 12 to 14 inclusive, Block VIII, Plan 279.  
Lots Nos. 1 to 7 inclusive, Block XVI, Plan 279.  
Lots Nos. 1 to 8 inclusive, Block XXIII, Plan 279.

## WONHAM STREET, East Side

Lots Nos. 3 to 6 inclusive, Block VIII, Plan 279.  
Lots Nos. 8 to 12 inclusive, Block XVI, Plan 279.  
Lots Nos. 12 to 18 inclusive, Block XXIII, Plan 279.

## WONHAM STREET, West Side

Lots Nos. 7 to 9 inclusive, Block IX, Plan 279.  
Lots Nos. 6 to 10 inclusive, Block XVII, Plan 279.  
Lots Nos. 10 to 18 inclusive, Block XXIV, Plan 279.

## MERRITT STREET, East Side

Lots Nos. 12 to 16 inclusive, Block IX, Plan 279.  
Lots Nos. 1 to 4 inclusive, Block XVII, Plan 279.

## MERRITT STREET, West Side

Lots Nos. 1 to 3 inclusive, Block X, Plan 279.  
Lots Nos. 133 to 137 inclusive, 1 and 2, Block XVIII, Plan 279.

## QUEEN STREET, East Side

Lots Nos. 6 to 9 inclusive, Block X, Plan 279.

## QUEEN STREET, West Side

Lots Nos. 1 and 13, Block XI, Plan 279.

## BOND STREET, East Side

Lots Nos. 5 to 8 inclusive, Block XIX, Plan 279.

## BOND STREET, West Side

Lots Nos. 11 to 15 inclusive, Block XX, Plan 279.

## WHITING STREET, East Side

Lots Nos. 5 to 9 inclusive, Block XX, Plan 279.  
Lots Nos. 4 to 7 inclusive, Block XXVI, Plan 279.

## WHITING STREET, West Side

Lots Nos. 142 and 147, Block XXVII, Plan 279.

## FRANCIS STREET, North Side

Lots Nos. 4 to 6 inclusive, Block XVII, Plan 279.  
Lots Nos. 7 and 8, Block XVI, Plan 279.  
Lots Nos. 108, 109, 110, 4 and 5, Block XV, Plan 279.  
Lots Nos. 1A to 3A inclusive, Block XIV, Plan 279.

## FRANCIS STREET, South Side

Lots Nos. 1 to 3 inclusive, Block XXI, Plan 279.  
Lots Nos. 5 to 10 inclusive, Block XXII, Plan 279.  
Lots Nos. 8 to 11 inclusive, Block XXIII, Plan 279.  
Lots Numbers 1, 2 and 10, Block XXIV, Plan 279.

## ANN STREET, North Side

Lots Nos. 100 and 11A, Block XIII, Plan 279.

## ANN STREET, South Side

Lots Nos. 1 to 7 inclusive, Block XXVIII, Plan 279.

## COTTAGE STREET, South Side

Lots Nos. 1A to 6A inclusive, Block XXVIII, Plan 279.

## OXFORD LANE, East Side

Lots Nos. 120 to 125 inclusive, Block I, Plan 279.

## OXFORD LANE, West Side

Lots Nos. 2 and 2A, Block I, Plan 279.  
Lot No. 126, Block XXXIV, Plan 279.

## AVONLEA STREET, East Side

Lots Nos. 10A and 10B, Block I, Plan 279.

## AVONLEA STREET, West Side

Lots Nos. 11A and 11B, Block I, Plan 279.

## CATHARINE STREET, North Side

Lots Nos. 7 to 14 inclusive, Block P, Plan 279.

## CATHARINE STREET, South Side

Lots Nos. 7 to 13 inclusive, Block R, Plan 279.

## UNION STREET, West Side

Lots Nos. 1 to 4 inclusive, Block LXXXII, Plan 279.

## UNION STREET, East Side

Lots Nos. 8, 251 to 254 inclusive, Block LXXXI, Plan 279.

## NORTH TOWN LINE, South Side

Lots Nos. 40, 1 to 12 inclusive, Block A, Plan 279.

## GEORGE STREET, West Side

Lots Nos. 12 and 10, Block A, Plan 279.

## GEORGE STREET, East Side

Lots Nos. 13 and 11, Block B, Plan 279.

## RAGLAN STREET, North Side

Lots Nos. 38, 1 to 10 inclusive, Block A, Plan 279.

## RAGLAN STREET, South Side

Lots Nos. 37, 13 to 22 inclusive, Block C, Plan 279.

## CHERRY STREET, North Side

Lots Nos. 2 to 8 inclusive, Block XLIV, Plan 279.  
Lots Nos. 9 to 16 inclusive, Block XLV, Plan 279.  
Lots Nos. 17 to 23 inclusive, Block XLVI, Plan 279.

## CHERRY STREET, South Side

Lots Nos. 1 to 6 inclusive, Block LI, Plan 279.  
Lots Nos. 7 to 14 inclusive, Block L, Plan 279.  
Lots Nos. 15 to 24 inclusive, Block XLIX, Plan 279.

## EVELYN AVENUE, East Side

Lots Nos. 75 to 84 inclusive, Plan 301.

## EVELYN AVENUE, West Side

Lots Nos. 54 to 63 inclusive, Plan 301.

## NOXON STREET, South Side

Lots Nos. 37 to 39 inclusive, Block LXVI, Plan 279.

## THAMES STREET SOUTH, East Side

Lots Nos. 9 to 10, Block LXVI, Plan 279.

## KING HIRAM STREET, South Side

Lots Nos. 1 to 9 inclusive, Block CIII, Plan 279.

Lots Nos. 12 to 34 inclusive, Block CIV, Plan 279

## KING HIRAM STREET, North Side

Lots Nos. 1 to 10 inclusive, Block CV, Plan 279.

Lots Nos. 11 to 27 inclusive, Block CVI, Plan 279.

## CATHCART STREET, South Side

Lots Nos. 9 and 10, Block II, Plan 95.

Lots Nos. 11 to 20 inclusive, Block I, Plan 95.

## CATHCART STREET, North Side

Lots Nos. 11 to 22 inclusive, Block G, Plan 95.

## INKERMAN STREET, North Side

Lots Nos. 8 and 9, Block II, Plan 95.

Lot No. 10, Block I, Plan 95.

## KING SOLOMON STREET, South Side

Lot No. "C", Block CVIII, Plan 279.

## KING SOLOMON STREET, North Side

Lots Nos. 13 to 18 inclusive, Plan 301.

## KENSINGTON AVENUE, West Side

Lots Nos. 85 to 95 inclusive, Plan 301.

## KENSINGTON AVENUE, East Side

Lots Nos. 106 to 116 inclusive, Plan 301.

## WHITING STREET, West Side

Lot No. 147, Block XXVII, Plan 279.

## CHARLES STREET EAST, North Side

Lots Nos. 1 to 6 inclusive, Block XL, Plan 279.

Lots Nos. 1 to 19 inclusive, Block XXXIX, Plan 279.

## CHARLES STREET EAST, South Side

Lots Nos. 9 to 16 inclusive, Block XLV, Plan 279.

Lots Nos. 17 to 26 inclusive, Block XLVI, Plan 279.

Lots Nos. 1 to 4 inclusive, Block XLVII, Plan 279.

Lots Nos. 1A to 4A inclusive, Block XLVII, Plan 279.

Lot No. 1, Block XLVIII, Plan 279.



CHAPTER 146

**An Act respecting the  
Village of Killaloe Station**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Village of Killaloe Preamble  
Station by its petition has prayed for special legislation  
in respect of the matter hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

- 1.** *The Village of Killaloe Station Act, 1940* is repealed. 1940, c. 42,  
repealed
- 2.** This Act may be cited as *The Village of Killaloe Station* Short title  
*Act, 1960.*



CHAPTER 147

An Act respecting the City of Kingston

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Kingston Preamble  
by its petition has prayed for special legislation in  
respect of the establishment of a new pension plan; and  
whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding the provisions of any special or general Pension  
plan  
authorized  
Act, The Corporation of the City of Kingston is empowered,

- (a) to enter into a pension plan in accordance with the Retirement Pension Plan, set out as the Schedule hereto, and, with the approval of the Minister of Municipal Affairs, to enter into contracts to amend such plan from time to time; and
- (b) to do all such acts, matters and things from time to time as are necessary to fully implement such plan.

**2.** This Act shall be deemed to have come into force on the Commence-  
ment  
1st day of January, 1960.

**3.** This Act may be cited as *The City of Kingston Act, 1960*. Short title

## SCHEDULE

THE CORPORATION OF THE CITY OF KINGSTON  
RETIREMENT PENSION PLAN

## ARTICLE I

## DEFINITIONS

In this plan:

1. "Actuary" means a person who is a Fellow of a recognized Society of Actuaries or a company employing such a Fellow and appointed Actuary for this plan by the Committee.
2. "Age" means age of the employee at his last birthday.
3. "Committee" means the City of Kingston Retirement Pension Committee as constituted pursuant to Article IX hereof.
4. "Contributor" means an employee who is making contributions under this plan.
5. "Corporation" means The Corporation of the City of Kingston.
6. "Council" means the Council of The Corporation of the City of Kingston.
7. "Earnings" means the remuneration of an employee in respect of service rendered to the Corporation.
8. "Effective date" means the effective date of this plan which is January 1, 1960.
9. "Employee" means a person who is employed by the Corporation or by a local board which has adopted this plan, and "permanent employee" means an employee who is classified as permanent under By-law Number 4 of the revised by-laws of the Corporation, or as the same may be amended from time to time, or an employee of the Board of Police Commissioners of the Corporation who is not a probationary employee.
10. "Fire Department" means the Fire Department of the Corporation, and "Police Department" means the Police Department of the Board of Police Commissioners of the Corporation, and "Civic Department" means any other department of the Corporation or of a local board which has adopted this plan.
11. "Fund" or "Trust Fund" means the Trust Fund established by the Trustee for purposes of this plan.
12. "Insurer" means an Insurance Company licensed to do business in Canada or the Annuities Branch of the Department of Labour.
13. "Local board" means a local board of the Corporation as it may be from time to time defined by *The Municipal Act* of the Province of Ontario, and it shall include the Board of Trustees of the Kingston Community Memorial Health and Recreation Centre.
14. "Pensioner" means a former contributor who is receiving a pension under this plan.
15. "Plan" or "this plan" means this City of Kingston Retirement Pension Plan as amended from time to time.

16. "Retire" means to cease to be employed under conditions entitling the contributor to the immediate receipt of a pension hereunder, and "retirement date" means the date fixed by the Committee to be the date on which the contributor is deemed for purposes of this plan to have retired.
17. "Service" means service with the Corporation or a local board which has adopted this plan.
18. "Trustee" means the Trustee under the Trust Agreement entered into under this plan.
19. The masculine shall include the feminine, and the singular shall include the plural wherever appropriate.

## ARTICLE II

### APPLICATION OF THIS PLAN

1. This plan shall be applicable to the employees of the Corporation and of such of its local boards as may, with the approval of Council, adopt this plan, and it shall be applicable as of a date fixed by Council but not prior to January 1 in the year in which it is so adopted.

2. Each employee to whom this plan is applicable as of January 1, 1960, shall become a contributor hereunder as of January 1, 1960, if he was required as a condition of his employment to contribute to a Group Annuity Plan, and each such employee who was not so required to contribute to a Group Annuity Plan may become a contributor hereunder as of January 1, 1960, or as of the first day of any subsequent month while he is an employee to whom this plan is applicable.

3. Each person who becomes an employee to whom this plan is applicable after January 1, 1960, shall, as a condition of his employment, become a contributor when he is classified as a permanent employee, and any such person may, with the approval of Council, become a contributor on the first day of any month prior to becoming classified as a permanent employee.

4. Each employee on becoming a contributor hereunder may, by submitting written notice thereof to the Committee, designate a person as his beneficiary hereunder and he may in a like manner revoke a previous designation and substitute another person as his beneficiary.

5. Each employee who is not required to become a contributor hereunder shall become a contributor by submitting written notice thereof to the Committee.

6. Each employee who becomes a contributor hereunder shall continue to be a contributor so long as he is an employee to whom this plan is applicable.

## ARTICLE III

### CONTRIBUTIONS

1. There shall be deducted from each payment of a contributor's earnings an amount equal to 5% of the earnings for which the payment is made, and the amount so deducted shall be remitted to the Trustee within 30 days after it has been deducted. The amount so contributed is herein referred to as "a required contribution".

2. The Corporation shall contribute in each year an amount equal to the total of required contributions made hereunder by employees during the year, and remittance thereof to the Trustee shall be made when the corresponding required employee contributions are so remitted.



3. For the purpose of increasing his benefits hereunder, each contributor may, by submitting written notice thereof to the Committee, authorize the deduction of additional contributions from his earnings and the remittance of them to the Trustee within 30 days after they have been deducted. Payment of additional contributions by any employee shall not cause the Corporation to increase its contributions hereunder.

4. Contributions made by any contributor hereunder may not be pledged or assigned as security for a loan.

5. If a contributor, prior to his employment by the Corporation or by any local board which has adopted this plan, was a member of,

- (i) the Civil Service of Ontario or Canada,
- (ii) the Civic service of any other municipality or local board, or
- (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

and a sum of money is transferred from the pension or superannuation plan or fund of his previous employer to the fund established for this plan, such sum of money shall be applied as an additional contribution by the contributor for whom it is transferred.

## ARTICLE IV

### ENTITLEMENT TO PENSION

1. Each contributor who retires on or after his 60th birthday shall be entitled to receive a pension commencing on the first day of the calendar month coincident with or following his retirement.

2. Each contributor who before his 60th birthday ceases to be an employee hereunder shall be entitled to receive a pension commencing on the first day of any calendar month, as determined by the contributor, coincident with or following his 60th birthday, if he is then living, provided that,

- (i) if the contributor has attained his 50th birthday and has completed 15 years of service, including service prior to becoming a contributor hereunder, he may with the consent of the Committee elect to receive a reduced pension commencing on the first day of any calendar month prior to his 60th birthday.

3. Each contributor who has made additional contributions hereunder shall be entitled to receive an additional pension, in respect of such contributions, commencing on the same day as the pension payable under paragraphs 1 or 2 of this Article IV.

4. Notwithstanding anything contained in this Article IV, a contributor shall not be entitled to receive a pension hereunder if he has received a refund of his contributions or if this plan is discontinued and the contributor receives a lump sum settlement.

5. A contributor shall become a pensioner hereunder on the day on which the first instalment of his pension has become payable.

## ARTICLE V

### AMOUNT OF PENSION

1. The annual amount of pension payable to a contributor who has become a pensioner hereunder shall be equal to a percentage of the aggregate earnings on which his required contributions hereunder have been

made, and the percentage shall be determined from the following table according to his age at commencement of his pension.

Age at Commencement of Pension	Percentage
65 years and over.....	2.0%
64 but under 65 years.....	1.9%
63 but under 64 years.....	1.8%
62 but under 63 years.....	1.7%
61 but under 62 years.....	1.6%
60 but under 61 years.....	1.5%

2. If a contributor's pension shall commence prior to his 60th birthday, the amount of such pension shall be the actuarial equivalent, as determined by the Committee on the advice of the Actuary, of the amount of pension accrued to date and otherwise commencing to be payable at age 60.

3. If a contributor shall have made additional contributions hereunder, the annual amount of additional pension arising therefrom shall be determined by the Committee on the advice of the Actuary.

4. The annual amount of pension to which a pensioner has become entitled hereunder shall be payable in equal monthly instalments beginning on the date fixed herein for commencement of such pension, and continuing at monthly intervals thereafter, terminating with the last instalment due immediately prior to the pensioner's death, provided that if at his death 60 monthly instalments have not been paid, the pension shall continue to be payable for the balance of 60 months subject to the pensioner having elected an optional form of pension as provided under paragraph 5 of this Article V.

5. Each pensioner who, more than 6 months prior to the commencement of his pension, has elected to receive,

- (i) a reduced monthly pension payable for his lifetime or for 10, 15 or 20 years, whichever is the longer period of time, or
- (ii) a reduced monthly pension payable during his lifetime and thereafter to and during the further lifetime, if any, of a person appointed by him as his joint pensioner, or
- (iii) an increased monthly pension payable during his lifetime, terminating at his death, or
- (iv) an increased monthly pension payable until his 70th birthday or his death, whichever first occurs, and if he is living on his 70th birthday, the increased amount will be reduced by the monthly amount of Old Age Pension in force at his retirement date,

the monthly amount of such pension shall be determined by the Committee on the advice of the Actuary. A contributor may make an election hereunder by filing written notice thereof with the Committee during the prescribed period, and he may in a like manner revoke an election already made by him. If the joint pensioner under option (ii) hereof dies before the contributor's pension has commenced, it shall be deemed that the option has been revoked.

6. If the monthly amount of pension payable under paragraphs 1, 2 and 3 hereof to a contributor who has become entitled to receive a pension hereunder is less than \$10.00, the Committee may, in lieu of such a pension, pay to the contributor an actuarially equivalent lump sum amount as determined by the Committee on the advice of the Actuary.

## ARTICLE VI

## PAYMENT OF PENSION

1. The instalments of pension payable hereunder shall be payable by cheque from the Trust Fund excepting that the right is reserved,

- (i) to the Committee in respect of the pension arising out of the required contributions made by the contributor and by the Corporation on his behalf, and
- (ii) to the contributor in respect of pension arising out of his additional contributions hereunder,

to effect settlement of such pension by the purchase of an annuity contract from an Insurer, and the annuity contract shall provide for payment of the amounts otherwise payable out of the Trust Fund.

2. Excepting to the extent of benefits payable to a joint pensioner hereunder, any sums payable out of the Trust Fund after the death of a pensioner shall be payable to his designated beneficiary hereunder, and if at the pensioner's death there is no living person designated as his beneficiary, such sums shall be payable to the legal representatives of the deceased pensioner.

3. Excepting as may be required by law, no attempt to assign or otherwise encumber the payment of pension hereunder shall have any force or effect under this plan.

4. The Committee shall, as a condition precedent to the commencement of a pension hereunder, demand and receive satisfactory evidence of the date of birth of the contributor and of his joint pensioner, if any.

5. Where a person entitled to receive a payment out of the Trust Fund is incapacitated or is under such disability as would render him incapable of dealing with the payment, the Committee, unless otherwise required by law, may cause the payment to be made on his behalf to a person or organization selected by the Committee for that purpose.

## ARTICLE VII

## REFUND OF CONTRIBUTIONS

1. If a contributor dies before a pension has become payable to him hereunder, his total required and additional contributions with interest shall be paid to his designated beneficiary hereunder, provided that if on his death there is no living person designated as his beneficiary the aforesaid amount shall be paid to the legal representatives of the deceased contributor.

2. A designated beneficiary who has become entitled to receive an amount under paragraph 1 of this Article VII may, by submitting written request therefor to the Committee, elect that in lieu thereof settlement shall be made by,

- (i) payment of the amount including interest as determined by the Committee on the advice of the Actuary in equal instalments over a 10-year period, or
- (ii) payment of the amount as the premium on an annuity contract on the life of the beneficiary.

3. If the service of a contributor is terminated prior to his 60th birthday, he may, by notice in writing to the Committee, elect,

- (i) that his contributions with interest be paid to him in a lump sum, or

(ii)

- (ii) that his contributions and the contributions of the Corporation at his credit hereunder, plus interest, be transferred to the pension fund, if any, of his new employer if his new employer is,

- A. the Government of Ontario or of Canada, or
- B. any municipality or local board in Ontario, or
- C. any board, commission or public institution established under any Act of the Legislature of Ontario.

4. The amount of interest to be included hereunder shall be determined by the Committee on the advice of the Actuary.

5. Payment of an amount as herein provided shall constitute full settlement of the rights of the contributor under this plan.

## ARTICLE VIII

### FUNDING

1. The Corporation shall enter into a Trust Agreement with a trust company incorporated under the laws of Canada or any Province thereof and registered under *The Loan and Trust Corporations Act*.

2. The Trust Agreement to be entered into shall, amongst other things, provide,

- (i) that the right is reserved to the Corporation to remove the Trustee by giving 60 days' notice thereof and by substituting another company fulfilling the requisites of paragraph 1 hereof in its place,
- (ii) that the Trustee may resign by giving 60 days' notice thereof in writing to the Corporation,
- (iii) that the Trustee shall not invest the assets of the Trust Fund in bonds, debentures or other evidences of indebtedness issued or guaranteed by The Corporation of the City of Kingston except when invested in a pooled or commingled Trust Fund,
- (iv) that the assets of the Trust shall be held for the benefit of this plan,
- (v) that the expenses of the Trustee and Actuary shall be paid out of the Trust Fund.

## ARTICLE IX

### THE COMMITTEE

1. The City of Kingston Retirement Pension Committee shall consist of not less than seven members as follows:

- (a) two officers of the Corporation, namely,
  - (i) the Treasurer,
  - (ii) the City Clerk,
- (b) two representatives of the municipal electors, namely,
  - (i) the Mayor,
  - (ii) a member of Council appointed by it,
- (c) a contributor elected by the contributors in the Fire Department,

(d)



(d) a contributor elected by the contributors in the Police Department,

(e) a contributor elected by the contributors in the Civic Departments,

and Council may appoint an officer of the Corporation as the eighth member.

2. An appointed or elected member of the Committee shall hold office for a period of two years or until he is no longer a member of the body by which he was appointed or elected, whichever first occurs.

3. The procedure for conducting the election of elective members of the Committee shall be determined by the Committee.

4. The Committee shall from amongst its members appoint a Chairman, a Vice Chairman and a Secretary.

5. The Treasurer of The Corporation of the City of Kingston shall be the executive officer of the Committee and he shall,

(i) keep such records as may be necessary to determine the benefits of contributors and pensioners,

(ii) remit all contributions to the Trustee,

(iii) take such action as may be necessary to effect payment of benefits authorized by the Committee,

(iv) prepare an annual report to the Committee and to Council on the operations of the plan during the year,

(v) consult with the Trustee on the investment of the assets of the Trust Fund.

6. Excepting such rights as have been reserved herein to the Corporation or to Council, the Committee shall be charged with the administration of this plan.

7. The Committee shall have an actuarial valuation of the Fund made from time to time but not less frequently than every three years.

8. A majority of the members of the Committee shall form a quorum.

## ARTICLE X

### MISCELLANEOUS

1. This plan may be amended from time to time with the approval of,

(i) the Committee,

(ii) the Council, and

(iii) the Minister of Municipal Affairs for Ontario,

provided that if at any time,

(a) the assets of the Trust Fund are inadequate to provide for payment of prospective benefits accrued hereunder in respect of contributions to date, as determined by the Actuary, the pensions becoming payable thereafter to contributors and former contributors who have not commenced to receive a pension hereunder shall be reduced to the extent required to eliminate the deficiency as determined by the Committee on the advice of the Actuary,

(b)



- (b) the assets of the Trust Fund together with the present value of the prospective contributions by and on behalf of the contributors at that time are in excess of the amount required to provide for the payment of the prospective benefits that have accrued in respect of contributions to date and shall accrue in respect of the aforesaid prospective contributions, as determined by the Actuary, the pensions of contributors and former contributors who have not commenced to receive a pension hereunder shall be increased to the extent permitted by the surplus as determined by the Committee on the advice of the Actuary,
- (c) it is agreed by Council and the duly authorized representative on the Committee elected by the Civic, Fire or Police Departments that the contributions to be paid by the contributors who are members of the Civic, Fire or Police Departments respectively, and by the Corporation on their behalf, shall be increased, the benefits otherwise payable to such members shall be increased to the extent permitted by the increased contributions as determined by the Committee on the advice of the Actuary subject to,
  - A. the maximum required contribution payable by any contributor hereunder and by the Corporation on his behalf shall be 7% of his earnings,
  - B. if the required contributions by members of the Civic, Fire or Police Departments and by the Corporation on their behalf are increased to 6% of the earnings of each contributor of a Department, the contributors of such a Department may elect that the pension payable to all contributors of such a Department who retire on or after their 60th birthday shall be at the same percentage rate as is applicable in paragraph 1 of Article V hereof in the calculating of pensions commencing on or after the contributor's 65th birthday.



CHAPTER 148

An Act respecting the Township of Kingston

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Township of Kingston by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation of the Township of Kingston shall pass a by-law, without obtaining the approval of the Ontario Municipal Board and without the recital of the Ontario Municipal Board approval therein, to borrow the sum of \$44,125 upon debentures made payable in not more than fifteen years for expenditure by the Board of Trustees of the Township of Kingston School Area for building an addition to Holsgrove Public School at Westbrook, and the by-law when duly passed shall be legal, valid and binding upon the Corporation.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Township of Kingston Act, 1960*.



CHAPTER 149

**An Act respecting the  
Kitchener-Waterloo General Hospital**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Kitchener Preamble  
and The Corporation of the City of Waterloo by their  
petition have prayed for special legislation in respect of the  
Kitchener-Waterloo General Hospital as hereinafter set forth;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Section 3 of *An Act respecting the Kitchener-Waterloo* 1924, c. 150,  
*General Hospital*, being chapter 150 of the Statutes of Ontario, s. 3 (1955,  
1924, as re-enacted by section 1 of *The Kitchener-Waterloo* c. 103, s. 1),  
*General Hospital Act, 1955*, is repealed and the following  
substituted therefor:

- 3.—(1) The conduct of the affairs of the said hospital Conduct  
shall be vested in a commission of trustees to be of affairs  
known as the Kitchener-Waterloo Hospital Com- by  
mission, to be appointed as follows: Commission
- (a) five members appointed by the council of the  
City of Kitchener;
  - (b) two members appointed by the council of the  
City of Waterloo;
  - (c) the mayors and the warden for the time being  
respectively of the City of Kitchener, the City  
of Waterloo and the County of Waterloo;  
provided that the mayor of the City of  
Kitchener shall be empowered to designate a  
member of the council of the City of Kit-  
chener as a member of the said commission  
in his place and stead and the mayor of the  
City of Waterloo shall be empowered to  
designate a member of the council of the City



of Waterloo as a member of the said commission in his place and stead and the warden of the County of Waterloo shall be empowered to designate a member of the council of the County of Waterloo as a member of the said commission in his place and stead.

Appoint-  
ments and  
terms of  
office

- (2) All appointments of appointive members shall be for three-year terms and shall be made by the council of the City of Kitchener at its first meeting in each year and by the council of the City of Waterloo at its first meeting in each year and by the council of the County of Waterloo at its first meeting in each year; members shall hold office until their respective successors are appointed and the new commission is organized; a member shall be eligible for re-appointment; vacancies on the said commission from any cause may be filled by the appointing council at any time.

Represen-  
tation of  
County of  
Waterloo

- (3) The County of Waterloo shall have the right to be represented on the said commission and to appoint two members in addition to the Warden so long as it shall contribute to the maintenance and support of the said hospital and to capital expenditures incurred in connection therewith on such basis as shall from time to time be agreed upon among the County of Waterloo, the cities of Kitchener and Waterloo and the commission; and the rights and obligations by this Act vested in and imposed upon the cities of Kitchener and Waterloo shall hereafter be vested in and imposed upon the County of Waterloo on such basis as shall from time to time be agreed upon among the County of Waterloo, the cities of Kitchener and Waterloo and the said commission.

Borrowing  
powers, and  
temporary  
advances

- (4) The Kitchener-Waterloo Hospital Commission may borrow from time to time, subject to the approval of the councils of the cities of Kitchener and Waterloo and the council of the County of Waterloo, such sums as may be required for the current operating purposes of the Kitchener-Waterloo Hospital; provided that the amount of such borrowings shall not exceed \$400,000 at any one time, and the councils of the cities of Kitchener and Waterloo and the council of the County of Waterloo may make temporary advances to the Commission from time to time for such purposes.

Name of  
hospital

2. The hospital shall hereafter be known as Kitchener-Waterloo Hospital.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**4.** This Act may be cited as *The Kitchener-Waterloo* <sup>Short title</sup>  
*Hospital Act, 1960.*



CHAPTER 150

An Act respecting L'Association Canadienne  
Francaise d'Education d'Ontario

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS L'Association Canadienne Francaise d'Edu-<sup>Preamble</sup>  
cation d'Ontario by its petition has represented that  
it was incorporated as a corporation under *The Ontario Com-<sup>1912, c. 31</sup>*  
*panies Act* on the 24th day of September, 1913, and that the  
Association owns the lands described in the Schedule hereto  
and is using them, and proposes to use them, for educational  
purposes and to promote the intellectual, moral and physical  
welfare of its members; and whereas the petitioner has prayed  
for special legislation exempting such lands and premises  
from taxation for municipal and school purposes, other than  
local improvement rates, so long as they are used for such  
purposes, excepting that part of the building that is used as  
residential quarters by the caretaker of the premises; and  
whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Notwithstanding any special or general Act, The Cor-<sup>Tax exemption authorized</sup>  
poration of the City of Ottawa may pass by-laws exempting  
from taxes, other than local improvement rates, the lands  
and premises owned by L'Association Canadienne Francaise  
d'Education d'Ontario, described in the Schedule hereto,  
provided such lands and premises are solely occupied by and  
used for the purposes of L'Association Canadienne Francaise  
d'Education d'Ontario and its affiliate associations, but not  
if otherwise occupied or used, and in particular not if used as  
residential quarters by the caretaker of the premises, and  
any such by-law may provide that it shall have effect from  
year to year unless repealed.

2. This Act shall be deemed to have come into force on the <sup>Commence-  
ment</sup>  
1st day of January, 1960.

3. This Act may be cited as *L'Association Canadienne* <sup>Short title</sup>  
*Francaise d'Education d'Ontario Act, 1960.*

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Ottawa in the County of Carleton and Province of Ontario, and being composed of Lot No. Six (6) and the Northerly part of Lot No. Five (5) on the Easterly side of Wurtemberg Street in the said City of Ottawa according to a Plan prepared by J. S. Dennis, P.L.S., dated October 20th, 1859, and registered in the Registry Office for the City of Ottawa, which said parcels or tracts of land and premises may be more particularly known and described as follows:

COMMENCING at the North-west angle of Lot No. Six (6); Thence Southerly along the Easterly limit of Wurtemberg Street Two Hundred (200') feet more or less to where the Northerly Line of Heney Street produced intersects said Easterly line of Wurtemberg Street; Thence Easterly at right angle to Wurtemberg Street, One Hundred and Sixty (160') feet more or less to the Shore Line of the Rideau River; Thence Northerly following said Shore Line of the Rideau River, Two Hundred (200') feet more or less to the Northerly line of Lot No. Six (6); Thence Westerly following said Northerly line of Lot No. Six (6), One Hundred and Sixty (160') feet more or less to the place of beginning, together with the Riparian Rights on the Rideau River appurtenant to the said lands.



## CHAPTER 151

**An Act to incorporate  
Laurentian University of Sudbury**

*Assented to March 28th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The University of Sudbury, The United Church of Canada and The Incorporated Synod of the Diocese of Algoma (Anglican) by their petition have represented that they are desirous of establishing in the Province of Ontario, at or near the City of Sudbury, a non-denominational bilingual institution to provide facilities for instruction in all branches of higher learning having the rights and powers of a university; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) “affiliated college” means a college affiliated with the University;
- (b) “Board” means the Board of Governors of Laurentian University of Sudbury;
- (c) “college” means a school or other institution of higher learning;
- (d) “federated college” means a university or college federated with the University;
- (e) “property” includes all property, both real and personal;
- (f) “real property” includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate and interest therein;

(g)

(g) "Senate" means the Senate of the University;

(h) "University" means the Laurentian University of Sudbury.

Laurentian  
University  
of Sudbury  
Incorporated

**2.** Ralph Douglas Parker, Robert James Askin, Benjamin Franklin Avery, Harold Bennett, Robert Campeau, William Stanley Cole, Jean Noel Desmarais, Ernest Cecil Facer, Horace John Fraser, Donald Leslie James, Nigel Mordaunt Kensit, Joseph Armand Lapalme, John Williams McBean, James Wesley McNutt, James Richard Meakes, George Merle Miller, Alibert St. Aubin, Adjutor Joseph Samson, George Clement Tate, and such other persons who may hereafter be appointed or elected President or a member of the Board or a member of the Senate or upon whom the University may confer a degree, are hereby created a body corporate with perpetual succession and a common seal under the name of "Laurentian University of Sudbury".

Objects and  
purposes

**3.** The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, social, moral and physical development of its members and the betterment of society.

Powers:

**4.** The University has university powers, including the power,

establish  
courses

- (a) to establish and maintain, in either or both of the French and English languages, such faculties, schools, institutes, departments and chairs as determined by the Board, other than those already established by The University of Sudbury, which faculties, schools, institutes, departments and chairs are continued in the non-denominational University College of Laurentian University of Sudbury under authority of the Board and Senate;

degrees

- (b) to confer university degrees, honorary degrees, awards and diplomas in any and all branches of learning, except in Theology;

federation

- (c) to permit federation or affiliation of other colleges or universities with the University and to make agreements of federation or affiliation with other colleges or universities, provided that Hearst College and Prince Albert College, presently affiliated with The University of Sudbury, may enter into agreements to affiliate with the University;

(d)

- (d) to admit church-related universities or colleges into federation as colleges of the Faculty of Arts and Sciences, which church-related universities or colleges have the right to give instruction in Philosophy and Religious Knowledge and in such other subjects as may from time to time be approved by the Faculty of Arts and Sciences of University College, and be consented to by the Senate and Board; and the University shall accept such courses in partial fulfilment of the requirements for a degree, under the same academic terms and conditions as would obtain if the instruction were given in University College; <sup>federation of church-related colleges</sup>
- (e) in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding; <sup>University property R.S.O. 1950, c. 184</sup>
- (f) without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the Treasurer of the University or by or at the office of such officer as may be appointed by the Board exercising the office of a treasurer; <sup>expropriation R.S.O. 1950, c. 243</sup>
- (g) if authorized by by-law of the Board, <sup>borrowing</sup>
- (i) to borrow money on its credit in such amount, on such terms and from such persons, firms

or corporations, including chartered banks, as may be determined by the Board,

- (ii) to make, draw and endorse promissory notes or bills of exchange,
- (iii) to hypothecate, pledge, charge or mortgage any or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,
- (iv) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any such bonds, debentures and obligations.

University  
non-  
denomina-  
tional

**5.** The University shall be carried on as a Christian school of learning, but its management and control shall be non-denominational and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University.

University  
property

**6.** All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for, or for the benefit of, the University, subject to any trust or trusts affecting the same, is vested in the University.

Land  
vested in  
University  
not liable  
to expro-  
priation

**7.** Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred extends to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Proceedings

**8.** All proceedings by or against the University may be had and taken in the name of "Laurentian University of Sudbury".

Investment  
of funds

**9.** The funds of the University not immediately required for its purposes and the proceeds of all property that come into the University, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as to the Board seems meet, and all property and revenue of



the University shall be applied for the attainment of the objects for which the University is constituted and to the payment of expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

**10.** Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of the University or for or on account or in respect of any matter or thing whatsoever relating to the University.

Members and officers not individually liable for debts

**11.** Property vested in the University or in any federated college or property vested in both the University and one or more federated colleges, and any property leased to and occupied by the University or federated college, or leased to and occupied by the University and one or more federated colleges, are not liable for taxation for provincial, municipal or school purposes and are exempt from every description of such taxation so long as the same are actually used and occupied for the purposes of the University or of a federated college.

Tax exemption

**12.** All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Application of statute of limitations

**13.—(1)** Except as to such matters by this Act specifically assigned to the President, the Senate, University College and federated colleges, all powers over, in respect of or in relation to the government, financial management and control of the University and of its property, revenues, expenditures, employees or other personnel, business and affairs are vested in the Board under the name "Board of Governors of Laurentian University of Sudbury", and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University and, without limiting the generality of the foregoing, has the power,

Management of University vested in Board

- (a) to appoint and dismiss the President and Vice-Presidents;
- (b) to appoint and dismiss, upon recommendation of the President, the heads and associate heads of the faculties and colleges, other than federated or affiliated colleges, of the University and the professors and other members of the teaching staff of the University, other than federated or affiliated colleges, provided

that



that all such appointments of the Board, other than appointments for not more than twelve months, shall be made from among such persons as may be recommended by the President, and to appoint all other officers, agents and servants of the University;

- (c) to determine the salaries and other emoluments of the officers, teachers, agents and servants of the University;
- (d) to appoint an executive committee of five members and to define its powers;
- (e) to make by-laws and regulations not inconsistent with the conduct of its affairs, pertaining to the meetings of the Board and its transactions, providing for the appointment of committees and for conferring upon any such committees authority to act for the Board with respect to any matter, but no decision of such a committee or any committee, which includes in its membership persons who are not members of the Board, is valid and effective until approved and ratified by the Board, unless the Board so provides.

Idem

(2) By-laws do not require confirmation by the members of the University.

Quorum

**14.** Seven members, not including the *ex officio* member, constitute a quorum of the Board.

Vacancies

**15.** After thirty days notice to any member, the Board may, by resolution passed by at least two-thirds of the votes cast at a meeting of the Board, declare vacant the seat of such member.

Constitution  
of Board

**16.** The persons named in section 2 together with five persons to be named by the Lieutenant Governor in Council and the President when appointed shall constitute the Board of Governors of the University.

Terms of  
office

**17.** The members of the Board shall hold office as follows:

- (a) of the members mentioned in section 2, six shall hold office for a period of one year, six shall hold office for a period of two years, and seven shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board and such election shall be for a period of three years;

(b)

- (b) as the term of any member of the Board expires, such member is eligible for re-election or re-appointment.

**18.** Except as otherwise provided in this Act, no principal <sup>Eligibility</sup> or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching and administrative staff of the University or of any federated or affiliated college or any member of the staff, Board, Senate or governing body of any other degree-granting institution is eligible for appointment or election as a member of the Board.

**19.** Where a vacancy on the Board occurs before the term <sup>Filling Vacancies</sup> of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

**20.**—(1) The Board shall elect one of its members to be <sup>Chairman and vice-chairman</sup> chairman and one of its members to be vice-chairman and, in case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman.

(2) In case of the absence or illness of the chairman and <sup>Idem</sup> the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of chairman.

**21.** There shall be a Senate of the University composed of, <sup>Composition of Senate</sup>

- (a) the President *ex officio*, who shall be its chairman;
- (b) the Academic Vice-President, *ex officio*;
- (c) the principal or head of each federated and affiliated college;
- (d) the dean of each faculty or school of the University, and the heads of such faculties or colleges or schools admitted to University College;
- (e) the Librarian;
- (f) the Registrar of the University who shall be the secretary of the Senate;

(g)

- (g) the Director of the Extension Department of University College;
- (h) two full-time professors elected by each faculty or school or college of the University.

Eligibility  
of members  
of another  
university

**22.** No person is eligible for appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated and affiliated colleges.

Powers of  
Senate

**23.** The Senate is responsible for the educational policy of the University and, with the approval of the Board in so far as the expenditure of funds and establishment of facilities are concerned, may create faculties, schools, institutes, departments, chairs or courses of instruction within the University, may create faculty councils to act as executive committees for the Senate to regulate the admission of the students, courses of study and requirements for graduation, may enact by-laws, regulating matters in this section referred to and may from time to time amend or replace any of its by-laws, and, without limiting the generality of the foregoing, the Senate has power,

- (a) to conduct examinations and appoint examiners;
- (b) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (c) to confer degrees of Bachelor, Master and Doctor in the several arts, sciences and faculties and all other degrees that may appropriately be conferred by a university, except degrees in Theology;
- (d) to confer honorary degrees with the concurrence of the Board;
- (e) to enact statutes.

Duties of  
Senate

**24.** In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall,

- (a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;
- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this Act;

(c)

- (c) recommend to the Board the federation of any college or affiliation of any college, the dissolution or suspension of any such federation or affiliation or the modification or alteration of the terms thereof;
- (d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;
- (e) provide, if deemed necessary by the Senate, for an executive committee which shall act in the name and on behalf of the Senate whose constitution and powers shall be as the Senate may from time to time determine.

**25.** If any university or college is federated or affiliated with the University and has the right to grant degrees, such right, except for degrees in Theology, shall remain dormant during the time that such university or college remains federated or affiliated with the University. Suspension of degree-granting rights of federated colleges

**26.**—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board. Officers

(2) The President shall be the chief executive officer of the University and chairman of the Senate and shall have supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the students thereof, and the officers and servants thereof, and also shall have such other powers and duties as may from time to time be conferred upon him by the Board. President

(3) The Board may appoint one or more Vice-Presidents who shall have such powers and duties as may be conferred upon or assigned to them by the Board. Vice-Presidents

**27.** The accounts of the University shall be audited at least once a year by an auditor or auditors appointed by the Board. Accounts

**28.** The University shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time. Financial reports

**29.** This Act comes into force on the day it receives Royal Assent. Commencement

**30.** This Act may be cited as *The Laurentian University of Sudbury Act, 1960*. Short title





## CHAPTER 152

**An Act respecting the  
Leeds and Grenville Health Unit  
of the United Counties of Leeds and Grenville**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS the Leeds and Grenville Health Unit of the Preamble  
United Counties of Leeds and Grenville by its petition  
has prayed for special legislation with respect to the matters  
hereinafter set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The Retirement Annuity Plan for employees of the Pension  
Plan  
validated  
Leeds and Grenville Health Unit of the United Counties of  
Leeds and Grenville, as adopted by the Health Unit on the  
1st day of July, 1948, and amended on the 16th day of August,  
1954, is declared to be and to have been legal, valid and  
binding upon the Leeds and Grenville Health Unit on and  
after the 1st day of July, 1948, and the Leeds and Grenville  
Health Unit is hereby empowered to carry out all its obliga-  
tions that might arise thereunder.

**2.** The Retirement Annuity Plan may be amended by the Amendment  
of Plan  
Leeds and Grenville Health Unit only with the approval and  
consent of the Minister of Municipal Affairs.

**3.** The Sick Leave Regulations of the Leeds and Grenville Sick Leave  
Regulations  
validated  
Health Unit of the United Counties of Leeds and Grenville,  
as adopted by the Health Unit on the 14th day of April, 1949,  
are declared to be and to have been legal, valid and binding  
upon the Leeds and Grenville Health Unit on and after the  
14th day of April, 1949, and the Leeds and Grenville Health  
Unit is hereby empowered to carry out all its obligations that  
might arise thereunder.

**4.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**5.** This Act may be cited as *The Leeds and Grenville Health* Short title  
*Unit Act, 1960.*



## CHAPTER 153

## An Act respecting the City of London

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of London, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Gore Cemetery, conveyed in 1849 by deed registered in the Registry Office for the East and North Ridings of the County of Middlesex as No. 269 for the Township of London, made to trustees now deceased, is vested in the Corporation. <sup>Cemetery vested in City</sup>

(2) The Corporation is authorized and empowered to close the Gore Cemetery and to forbid further burials therein. <sup>Closing authorized</sup>

(3) The Corporation is authorized and empowered, at its expense, to remove the tombstones and to assemble them in a cairn or cairns for their preservation, to fence Gore Cemetery and to preserve and care for the same as a closed burial ground. <sup>Cairns authorized</sup>

**2.**—(1) The Corporation is authorized and empowered to pass by-laws amending its system of gratuities and retirement allowances for its employees as therein defined, providing in addition thereto, <sup>Gratuities and retirement allowances</sup>

(a) for a yearly allowance to its employees who retired prior to the 1st day of January, 1955, of a sum being the greater of  $1\frac{1}{2}$  per cent of the salary in the last full year of employment preceding retirement or \$48, multiplied by the number of years' service with the Corporation prior to the 1st day of January, 1948;

(b)

- (b) for a yearly allowance to its employees who have retired between the 1st day of January, 1955, and the 1st day of January, 1960, of a sum being the greater of  $1\frac{1}{2}$  per cent of the average annual salary received during such period or \$48, multiplied by the number of years' service with the Corporation prior to the 1st day of January, 1948;
- (c) for a yearly allowance to its employees who retire after the 1st day of January, 1960, of a sum being the greater of  $1\frac{1}{2}$  per cent of the average annual salary during the last five years of employment or \$48, multiplied by the number of years' service with the Corporation prior to the 1st day of January, 1948;
- (d) that an employee with a total of not less than ten years' service with the Corporation shall have on retirement a minimum annual past and future service pension of \$600;
- (e) that nothing herein shall limit the amount of future service pension purchased with standard joint contributions or extra contributions by an employee;
- (f) that past service pension shall be limited so that the combined past and future service pension purchased with standard joint contributions on a five-year guaranteed basis shall not exceed \$2,500;

provided that, in such calculation for past service pension for firemen, no credit shall be given for employment for the years 1913 to 1932, both inclusive, and, in the calculation of the minimum annual past and future service pension payable, there shall be included an amount equivalent to the annuity that the lump sum payment which included interest received by such firemen for such years would have purchased from the Government of Canada on a 4 per cent basis guaranteed term five years, and provided that, in such calculation for past service pension for policemen, no credit shall be given for employment for the years 1928 to 1932, both inclusive, and, in the calculation of the minimum annual past and future service pension payable, there shall be included an amount equivalent to the annuity that the lump sum payment which included interest received by such policemen for such years would have purchased from the Government of Canada on a 4 per cent basis guaranteed term five years.

Pension  
not to be  
reduced

(2) No pension presently being paid shall be reduced in amount.

(3)

(3) The Corporation shall provide from current revenue in each of the years 1960 to 1969, both inclusive, the sum of \$90,000, which sum shall be credited to a reserve for past service pensions account established under section 312 of *The Municipal Act* from which the past service pensions shall be paid, and thereafter such sums shall be provided from the current revenue as may be required to pay such pensions.

Past  
service  
pension  
account

R.S.O. 1950,  
c. 243

(4) In the event that any employee shall have been re-classified downward during the last five years of his employment as the result of injury, illness or other cause beyond such employee's control, the council of the Corporation is authorized and empowered to make an adjustment within the maximum limits aforesaid.

Adjustment  
where  
reclassi-  
fication

(5) The Corporation may provide that the effective date of the foregoing shall be the 1st day of January, 1960.

Effective  
date of  
amendments

**3.—**(1) The Corporation is authorized and empowered to pass by-laws adopting, in whole or in part or with such changes or alterations as the council of the Corporation deems expedient, The National Building Code of Canada, any code or standards adopted, made or sponsored by Canadian Standards Association, the Canadian Government Specifications Board, The American Society for Testing Materials or any other such body, and approved by The National Research Council (Canada), and for requiring compliance with any such codes and standards.

Adoption  
of National  
Building  
Code

(2) Any by-law passed pursuant to this section may require the production of plans of buildings or structures and may provide for charging fees for the inspection and approval of such plans, for fixing the amount of such fees and for issuing a permit certifying such approval, without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure, the plans of which do not comply with the provisions of any such by-law, code or standard.

Production  
of plans,  
etc.

**4.** The Corporation is authorized and empowered to enter into a lease or leases upon such terms and conditions as the council of the Corporation may deem expedient, and for such term of years not exceeding twenty, of lands of the Corporation, including the City of London airport or any portion thereof, and to approve of the subletting thereof by any lessee.

Leasing  
of lands  
of City

**5.** The Corporation is authorized and empowered to pass by-laws to provide that dogs within the City of London, when not confined to dwellings or property of their owners or

By-laws re  
keeping  
dogs upon  
leash



of persons having the care or custody of the dogs, shall at all times be restrained upon leash in charge of some person, and to impose penalties for the infraction thereof.

Licensing  
keeping of  
kennels

**6.** The Corporation is authorized and empowered to pass by-laws licensing, regulating or prohibiting the keeping of kennels for the breeding or boarding of cats or dogs within the municipality, or defined areas thereof, and for imposing penalties for the infraction thereof.

1931, c. 107,  
s. 10,  
amended

**7.** Section 10 of *The City of London Act, 1931* is amended by striking out “and” where it occurs the second time in the third line and inserting in lieu thereof “or”, so that the section shall read as follows:

Butchers,  
licences

10. The said corporation may, from time to time, pass by-laws for licensing, regulating and governing butchers, dealers and other persons who sell meat wholesale or retail, and may fix the sum to be paid for the licence and the time for which it shall be in force, and may provide for enforcing payment of the licence fee.

1959, c. 120,  
s. 5, subs. 1,  
re-enacted

**8.** Subsection 1 of section 5 of *The City of London Act, 1959* is repealed and the following substituted therefor:

Regulation  
of  
nursing  
homes

(1) The Corporation is authorized and empowered to pass by-laws regulating, licensing and governing nursing homes and for revoking licences therefor and for imposing penalties for the infraction thereof.

1887, c. 58,  
s. 9,  
re-enacted

**9.** Section 9 of *An Act respecting the General Hospital of the City of London*, being chapter 58 of the Statutes of Ontario, 1887, is repealed and the following substituted therefor:

Treasurer

9.—(1) Save as to the Victoria Hospital Endowment Fund and War Memorial Children’s Hospital Endowment Fund, the Board shall appoint a treasurer of the Board in respect of the affairs of such hospitals.

Auditors

(2) The auditors of the City of London shall be the auditors of the Board and shall be so appointed by the Board.

Question  
of sale of  
London &  
Port Stanley  
Railway  
to vote of  
electors  
R.S.O. 1950,  
c. 243

**10.** Notwithstanding *The Municipal Act*, the Corporation is authorized and empowered to submit to the electors at a time other than the day fixed for taking the poll at the annual municipal elections any question or questions regarding the sale, leasing or other disposition of the undertaking of The London & Port Stanley Railway or any part thereof.

**11.** The Corporation and The Board of Hospital Trustees of the City of London are authorized and empowered, subject to the approval of the Department of Municipal Affairs, to suspend as of the 1st day of January, 1960, or such later date as may be expedient, contributions from the Board and its employees to the pension plan of the Corporation, and to provide for pensions for the employees of the Board, or any of them, with the Pension Committee of the Hospitals of Ontario Pension Plan, and, if expedient, to transfer thereto such interest as the Board, or its employees, may have in the pension plan of the Corporation, and thereafter the employees' rights shall be determined under the provisions of The Hospitals of Ontario Pension Plan, which shall be accepted by and be binding on such employees.

Pensions  
of  
employees  
of Board of  
Hospital  
Trustees  
of London

**12.** The agreement between the Corporation, The London Railway Commission and Mount Royal Rice Mills, bearing date the 1st day of January, 1959, set forth as the Schedule hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

Agreement  
confirmed

**13.** Notwithstanding any other Act, the council of the Corporation is authorized and empowered, subject to such terms and conditions and extent as to it may appear proper, to pass by-laws from time to time exempting from taxation, save as to local improvements, lands and buildings of The London Little Theatre Incorporated, known as the Grand Theatre, or parts thereof, but excluding part or parts thereof not used and occupied for theatre purposes.

Tax  
exemption

**14.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**15.** This Act may be cited as *The City of London Act, 1960*.

Short title

## SCHEDULE

THIS AGREEMENT made (in triplicate) the First day of January, in the year of Our Lord one thousand nine hundred and fifty-nine.

BETWEEN:

MOUNT ROYAL RICE MILLS LIMITED, a corporation existing under the laws of the Government of Canada (hereinafter called the Purchaser),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the Vendor),

OF THE SECOND PART,

—and—

THE LONDON RAILWAY COMMISSION (hereinafter called the Commission),

OF THE THIRD PART.

WHEREAS the Vendor is the owner of lands and premises described as follows:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Village of Port Stanley in the County of Elgin and being composed of part of Lot 18 lying south of the Lake Road and east of the London and Port Stanley Railway right of way, parts of Lots 15 and 16 lying north of the Lake Road and east of the London and Port Stanley Railway right of way, part of the Lake Road lying east of the London and Port Stanley Railway right of way and part of the said right of way, all as shown on registered Plan No. 117 and more particularly described as follows: *Firstly*, Commencing on the northerly limit of the Lake Road distant 6 chains and 47 links east of the easterly limit of the right of way of the London and Port Stanley Railway; Thence northerly parallel to the said easterly limit of the London and Port Stanley Railway 2 chains and 50 links; Thence westerly parallel to the northerly limit of the Lake Road 6 chains and 47 links to the easterly limit of the London and Port Stanley Railway; Thence southerly along the easterly limit of the London and Port Stanley Railway, 10 chains and 53 links; Thence easterly parallel to the southerly limit of the Lake Road, 2 chains and 4 links; Thence north-easterly in a straight line to the place of beginning; and *Secondly*, Commencing at the northeast angle of the lands firstly described and in the easterly limit of the London and Port Stanley Railway right of way; Thence northerly along the said easterly limit 124 feet 8 inches; Thence westerly parallel to the northerly limit of the Lake Road 20 feet; Thence southerly parallel to the easterly limit of the London and Port Stanley Railway right of way 124 feet 8 inches; Thence westerly parallel to the northerly limit of the Lake Road 54 feet; Thence southerly parallel to the easterly limit of the London and Port Stanley Railway right of way 1,170 feet, more or less, to the high water mark of the water's edge of Kettle Creek, and Thence northerly and easterly therealong against the stream to a point intersected by the easterly limit of the London and Port Stanley Railway right of way; Thence northerly therealong 220 feet, more or less, to a point therein which

is the southwest angle of the lands firstly described; Thence along the easterly limit of the said right of way and the westerly limit of the lands firstly described 695 feet, more or less, to the place of beginning.

AND WHEREAS the Purchaser represents that it is a corporation licensed or otherwise entitled to hold lands in the Province of Ontario;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto mutually covenant and agree each with the other as follows:

1. In consideration of the sum of \$6,800 now paid by the Purchaser to the Vendor, the Vendor gives to the Purchaser an option to buy the said lands and premises at and for the price of \$26,800, which option is irrevocable until the First day of March, 1961. The said option may be accepted by letter addressed to The London Railway Commission, City Hall, London, and posted prepaid and registered, in the City of Montreal, Quebec, or London, Ontario, on or before midnight of the 28th day of February, 1961. Time for acceptance of the said option will be extended until midnight, the 28th day of February, 1964, if the Purchaser shall have shipped at least one hundred cars of freight from Montreal to London and routed via the City of St. Thomas over The London and Port Stanley Railway in each of the years 1959, 1960, 1961, 1962 and 1963, but not otherwise. If the option be not accepted within either of the times so limited the Vendor will return the said sum of \$6,800 so paid, without interest, but less taxes which may have accrued upon the said lands and premises and have not been paid by the Purchaser.

2. The Purchaser shall not enter upon the said lands and premises for any purpose until the acceptance of the said option, but shall pay all taxes arising in respect thereof from the date of this agreement as the same shall become due.

3. Upon the acceptance of the said option the said sum of \$6,800, without interest, shall be applied as a deposit on the purchase price and the balance of \$20,000, without interest, shall be paid as follows: \$1,000 at the end of each year after the acceptance of the said option, and the whole balance of \$20,000 shall be paid not later than twenty years from the date hereof provided the said yearly payments of \$1,000 and the unpaid balance of the purchase price shall be reduced by the following sums for each car of freight shipped in either direction over the London and Port Stanley Railway, the origin or destination of which is the Purchaser: the sum of \$5 for each full car of freight carried over the London and Port Stanley Railway for the full distance between London and Port Stanley; the sum of \$3 for each full car of freight carried over the said railway between London and St. Thomas only; the sum of \$3 for each full car of freight carried over the said railway between St. Thomas and Port Stanley only. All freight shall be paid as billed and no deductions shall be made in payment of the freight for such cars at any time. The said reduction on account of the balance of the purchase price for cars shipped shall be accrued as from the date of this agreement. If in any year the reductions on the foregoing basis shall exceed the sum of \$1,000, they shall be applied in reduction of the payments of \$1,000 to be made in the succeeding year. The Purchaser shall have no property right, claim, title or interest in the said credits or reductions at any time notwithstanding that the payments and purchase price may be reduced thereby.

4. The Purchaser shall not be entitled to a deed of the premises until the entire sum of \$26,800 shall have been paid in the manner hereinbefore set forth, less the reductions hereinbefore provided for. If after acceptance of the option default shall be made in any of the terms hereof including the provisions of payment and the payment of taxes, or if any mechanic's liens are registered against the said lands and not vacated within ninety days after registration, the interest of the Purchaser in the said lands and premises and all payments made hereunder shall forthwith terminate. All payments made by the Purchaser under this agreement shall upon default become the property of the Vendor as liquidated damages.



5. This offer, upon acceptance, shall constitute a binding contract of purchase and sale. The Purchaser shall search the title at its own expense forthwith and shall make its objections thereto, in writing, within thirty days of this date. If objections are made which the Vendor is unable or unwilling to remove the Vendor may terminate this agreement, and upon such termination payments which have been made on account shall be returned to the Purchaser without interest, and the option to purchase hereby given shall be terminated and be of no further force or effect.

6. Upon completion of payment of the purchase price a deed shall be given at the expense of the Vendor, but subject to an agreement to be entered into by the Purchaser to be delivered contemporaneously with the delivery of the said deed but registered in priority thereto, in terms satisfactory to the Vendor's solicitor, and as hereinafter provided. The agreement shall contain a covenant on the part of the Purchaser that it will, within one year of the delivery of the deed, erect upon the said lands and premises, at a cost of not less than \$150,000, a structure or building for the processing and storage of grain. When the building is completed the Vendor will deliver a quitclaim deed to the parties entitled. The agreement shall also provide that in default of performance of the covenant to erect the said building or structure the Purchaser will deliver to the Vendor a deed of the said lands and premises, free from all claims, including liens, mortgages or encumbrances and taxes or claims to forfeiture in Mortmain, and the Purchaser shall then be repaid without interest one-half of the sums actually paid to the Vendor in cash on account of the purchase price, but not including the credits per car of freight.

7. The credits on account of purchase price hereinbefore provided for on the basis of cars of freight shipped are agreed to be effective only to the extent that they may be legally given. If The Board of Transport Commissioners for Canada or other competent authority shall allege or find that the same contravene any rule or law, this agreement shall not be nullified but shall be read and construed without reference to the credits per car of freight shipped, and no reductions in the balance of the purchase price or credits thereon shall be claimed or given but the whole balance shall be payable without regard thereto.

8. Time shall be of the essence of this agreement.

9. The Commission approves of the terms and conditions hereof and agrees to be bound thereby, and requests the Corporation to enter into the same.

10. Save as hereinafter provided, this agreement shall come into force and take effect upon the coming into force of an Act of the Legislature of Ontario, authorizing and empowering the parties to enter into the same and to carry out the terms and conditions thereof. If the said Act shall not be obtained at the first regular sitting of the Legislature in the year 1960, the said sum of \$6,800 paid by the Purchaser to the Vendor shall be repaid without interest and the Purchaser shall have no claim of any sort against the Vendor or the Commission, including the credits or reductions referred to in paragraph 3 hereof.



IN WITNESS WHEREOF the parties hereto of the First and Third Parts have hereunto caused to be affixed their respective seals corporate attested by the hands of their respective proper officers, and the party of the Second Part has hereunto caused to be affixed its corporate seal attested by the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

In the presence of

MOUNT ROYAL RICE MILLS LIMITED:

(Seal) N. S. VERITY,  
*Vice-President.*

GEO. H. MOTHERWELL,  
*Secretary.*

THE CORPORATION OF THE CITY OF  
LONDON:

(Seal) J. ALLAN JOHNSTON,  
*Mayor.*

R. H. COOPER,  
*Clerk.*

THE LONDON RAILWAY COMMISSION:

(Seal) E. R. NICHOLS,  
*Chairman.*

GEO. M. FRASER,  
*Secretary.*



CHAPTER 154

An Act respecting the  
National Sanitarium Association

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS the National Sanitarium Association, herein Preamble  
called the Association, by its petition has represented  
that it was incorporated by *An Act to incorporate the National* 1896, c. 52 (Can.)  
*Sanitarium Association*, being chapter 52 of the Statutes of  
Canada, 1896, and was restricted by its objects to the isolation,  
treatment and cure of persons affected with pulmonary tuber-  
culosis and that the Association has received endowments,  
donations, gifts, devises and bequests to carry on these  
objects; and whereas the Association is in the process of  
applying to the Parliament of Canada for an Act to extend  
its objects to include the treatment of other illnesses and  
disabilities; and whereas the Association is desirous of using  
such donations, gifts, devises, bequests and the proceeds of  
its endowments for the treatment of other illnesses and dis-  
abilities in accordance with such extended objects; and  
whereas the petitioner has prayed for special legislation for  
such purposes; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Notwithstanding any trust or limitation created by any  
endowment, donation, gift, devise or bequest heretofore made  
to or for or on behalf of the National Sanitarium Association  
or to or for or on behalf of any hospital or clinic or other  
unit owned or operated by the Association, whether heretofore  
or hereafter received by the Association, the Association may  
use at any place such donations, gifts, devises, bequests and  
the proceeds of any endowments for all or any of the purposes  
authorized by the Association's Act of incorporation and  
amendments thereto, including amendments that may here-  
after be made, and in accordance with the objects of the  
Association.

Association  
may use  
gifts, etc.,  
for  
purposes of  
Association

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The National Sanitarium Association Act, 1960*.

## CHAPTER 155

### An Act respecting the Municipality of Neebing

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Municipality of Neebing by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The corporate name of the Municipality of Neebing is hereby designated and confirmed as "The Corporation of the Municipality of Neebing".

Confirmation of corporate name

**2.** All conveyances, deeds, by-laws, contracts, documents, debentures, acts and things done by The Corporation of the Municipality of Neebing under the name of The Corporation of the Municipality of Neebing, The Corporation of the Township of Neebing or The Municipality of Neebing, in so far as the use of the corporate name of the municipality is concerned, are hereby ratified, confirmed and declared to be binding between the respective parties thereto.

Use of names validated

**3.** The Prince Mining Location, more particularly described in Schedule A hereto, is hereby included in and forms part of the Township of Blake, within The Corporation of the Municipality of Neebing.

Annexation of the Prince Mining Location

**4.** The Jarvis Mining Location, more particularly described in Schedule B hereto, is hereby included in and forms part of the Township of Crooks, within The Corporation of the Municipality of Neebing.

Annexation of the Jarvis Mining Location

**5.** The Stuart Mining Location, more particularly described in Schedule C hereto, is hereby included in and forms part of the Township of Pardee, within The Corporation of the Municipality of Neebing.

Annexation of the Stuart Mining Location



By-laws in  
force in  
annexed  
territories

**6.** All by-laws, assessments made and taxes levied by The Corporation of the Municipality of Neebing shall be deemed to apply to the Prince Mining Location, the Jarvis Mining Location and the Stuart Mining Location.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Municipality of Neebing Act, 1960*.

## SCHEDULE A

THE PRINCE MINING LOCATION which may be more particularly described as follows, that is to say:

All that Parcel or Tract of Land, situate, lying and being in the District of Thunder Bay in the Province of Ontario, containing by admeasurement Six Thousand Four Hundred acres be the same more or less; which said Parcel or Tract of Land may be otherwise known as follows, that is to say, being composed of:

All that land on the North West shore of Lake Superior marked V and coloured with a blue margin on a plan by Provincial Surveyor John MacNaughton dated 11th January, 1847, of Record in the Department of Crown Lands and which may be described as follows, that is to say:

COMMENCING at the water's edge on the North West shore of Lake Superior at the North-east angle of that parcel of land heretofore granted to the Montreal Mining Company IV on the plan above-mentioned;

Thence North forty-nine degrees thirty minutes West astronomically along the North easterly boundary of said parcel of land marked IV, three hundred and twenty chains;

Thence North forty degrees thirty minutes east astronomically one hundred and sixty chains;

Thence South forty-nine degrees thirty minutes east astronomically (parallel with the aforesaid North Easterly Boundary of said land marked IV), two hundred and eighty-three chains more or less to the water's edge of Lake Superior;

Thence along the water's edge to the place of beginning;

Together with Spar Island, a small Island at the West Point of Spar Island, the West part of Mink Island, being all that part thereof now unpatented and any islands situated in front of the lands hereby granted which are within the space included within the production easterly of the Northerly and Southerly Boundaries of the tract above described.

## SCHEDULE B

THE JARVIS MINING LOCATION which may be more particularly described as follows, that is to say:

All that Parcel or Tract of land, situate, lying and being on the Northern Shore of Lake Superior in Our said Province, containing by admeasurement Six Thousand Four Hundred square acres be the same more or less; of which said Parcel or Tract of Land the front angles have been marked and established by Provincial Surveyor John MacNaughton, and the boundaries whereof are as follows, that is to say:

COMMENCING at a Spruce Tree, seventeen inches in diameter standing on the North West Shore of Lake Superior ten Links back from which Licensed Provincial Surveyor MacNaughton planted a Stone of greenish grey colour about three feet long, ten inches broad and two and a half inches thick with a pile of Stones about it in North latitude forty-eight degrees seven minutes thirty seconds, and West Longitude eighty-eight degrees thirty-two minutes thirty-five seconds by Captain Bayfield's chart;

Thence running North forty-nine degrees thirty minutes West astronomically, along the South Western limit of the Mineral Location, originally assigned to John Prince, Esquire, three hundred and twenty chains, more or less, so as with the Islands and parts of Islands in front of the Lands herein described and lying within the limits of the lateral lines thereof produced as shewn on Mr. MacNaughton's plan of survey on Record in the Department of Crown Lands, to include an area of Ten Square Miles;

Thence south forty degrees thirty minutes West one hundred and sixty chains;

Thence South forty-nine degrees thirty minutes East four hundred and eleven chains, more or less, to the water's edge of Lake Superior;

Thence along the water's edge in a Northerly direction to the place of beginning;

Together with all the Islands and parts of Islands in front of the Lands above described, and as shewn in the before mentioned plan of Provincial Surveyor MacNaughton;

Reserving free access to the Shores both on the Islands and main Land for all Vessels, Boats and Persons;

And Subject to the further reservation and condition that any roads deemed necessary may be, under the authority and direction of the Executive Government, laid out, opened and dedicated to and for the use of Her Majesty's Subjects over and across the Lands hereby granted.

## SCHEDULE C

THE STUART MINING LOCATION which may be more particularly described as follows, that is to say:

COMMENCING at the most easterly angle of the Stuart Location as established by Provincial Land Surveyor John MacNaughton in the year 1847 at the shore of Lake Superior, being also the most southerly angle of the Township of Crooks;

Thence North forty-nine degrees 30 minutes West astronomically along the north-east boundary of the Stuart Location as established by Provincial Land Surveyor Hugh Wilson in the year 1872, being also along the south-westerly boundary of the Township of Crooks and part of the south-westerly boundary of the Township of Pardee a distance of 4.6 miles, more or less, to the most northerly angle of the Stuart Location;

Thence south 40 degrees 30 minutes West astronomically along the north-west boundary of the Stuart Location as surveyed by Provincial Land Surveyor Hugh Wilson in the year 1873, being also along the south-easterly boundary of the Township of Pardee, a distance of 5.15 miles, more or less, to the intersection of that boundary with the high water-mark on the northerly shore of the Pigeon River;

Thence in a general easterly direction along the high-water mark of the northerly shore of the Pigeon River and of Lake Superior a distance of thirteen miles, more or less, to the point of commencement;

Reserving free access to the shore of Pigeon Bay and River for all vessels, boats and persons;

And Subject to the further reservation and condition that any roads deemed necessary may be, under the authority and direction of the Executive Government, laid out, opened and dedicated to and for use of Her Majesty's Subjects over and across the lands hereby granted.





## CHAPTER 156

**An Act respecting the  
Township of North York**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Township of North York, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 1 of section 3 of *The Township of North York Act, 1953* is amended by inserting after “water works” in the fourth line “or roadway”, so that the clause, exclusive of the subclauses, shall read as follows: 1953, c. 120,  
s. 3, subs. 1,  
cl. *a*,  
amended

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer or sewer system, or sewage works, or water works, or roadway, and

. . . . .

(2) Subsection 1 of the said section 3 is amended by adding thereto the following clause: 1953, c. 120,  
s. 3, subs. 1,  
amended

- (*f*) “roadway” means a public highway or lane and includes the surface of concrete or asphalt or gravel on the travelled portion, and curbs.

(3) Clause *m* of subsection 1 of the said section 3 is amended by inserting after “drainage” in the second line “roadway”, so that the clause shall read as follows: 1953, c. 120,  
s. 3, subs. 1,  
cl. *m*,  
amended

- (*m*) “work” means a sewer, sewer system, sewage works, land drainage, roadway, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

1953, c. 120,  
s. 3, subs. 2,  
amended

(4) Subsection 2 of the said section 3 is amended by inserting after "pay" in the seventh line "for the whole or" and by inserting after "where" in the first line of clause a "the whole or", so that the subsection shall read as follows:

Rates

(2) Subject to the approval of the Ontario Municipal Board first being obtained, the council may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay for the whole or such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or replaced.

(a) No rate may be imposed under this subsection where the whole or a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*.

R.S.O. 1950,  
c. 215

1953, c. 120,  
s. 3, subs. 6,  
amended

(5) Subsection 6 of the said section 3 is amended by inserting after "for" in the ninth line "the whole or", so that the subsection, exclusive of the clauses, shall read as follows:

Rate for  
existing  
work

(6) Where there is land in the Township which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for the whole or such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or replaced.

By-law to  
control  
rodents  
authorized

2.—(1) The council of the Corporation may pass by-laws for requiring the owners and occupants of lands, buildings and structures to maintain such lands, buildings and structures

in a rodent-free condition, and for that purpose the by-law may provide,

(a) for regulating,

- (i) the keeping or storing of food or fodder,
- (ii) the keeping of fowl or animals, and
- (iii) the keeping and disposal of refuse, wastes and other things,

that may attract rodents;

(b) for authorizing the local board of health to order the owners or occupants of any premises,

- (i) to clean or disinfect the same,
- (ii) to keep food, fodder or refuse in rodent-free containers,
- (iii) to keep fowl or animals only in rodent-free structures, and
- (iv) to do such other things as may be deemed necessary by the board,

to avoid the spread of disease or damage to property by rodents;

(c) for authorizing the local board of health to prohibit the use of premises that are infested with rodents until the owner or occupant of such premises complies with an order of the board for disinfestation of such premises.

(2) The medical officer of health, any member of the local board of health and any inspector or other municipal employee acting under the instructions of the medical officer of health may enter, inspect and examine, as often as may be necessary, any lands, buildings or structures within the municipality for the purpose of enforcing the provisions of a by-law passed under this section and for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person authorized by this section as may be necessary.

Power to  
enforce  
by-laws  
R.S.O. 1950,  
c. 243

(3) The provisions of Part XXI of *The Municipal Act* relating to the power to impose penalties and enforce by-laws apply *mutatis mutandis* to any by-law, and to any order made thereunder, passed under this section.

Interpre-  
tation

3.—(1) In this section, “connection” includes,

1957, c. 88

(a) a connection to the sanitary sewer and the necessary plumbing system as defined in the current regulations under *The Ontario Water Resources Commission Act, 1957* respecting plumbing and sewers; and

(b) a connection to the storm sewer and the necessary system, including roof drains, to permit storm water to flow into the storm sewer.

By-laws,

(2) The council of the Corporation may pass by-laws,

new  
buildings  
to connect  
to sewers

(a) to prohibit the erection of any building or structure on lands that are serviced by a storm or sanitary sewer, or both, unless the plans and specifications submitted on application for a building permit indicate that such building or structure is to be connected to the storm or sanitary sewer, or both, if available;

buildings  
to connect  
to sewers

(b) to require the owner of any building or structure that is erected or standing upon a parcel of land that is serviced by a storm sewer, after due notice, to connect such building or structure to the storm sewer, if available, if it appears to the council of the Corporation that any such building or structure should be connected to such sewer to prevent damage to either public or private property.

Notice

(3) The notice referred to in clause *b* of subsection 2 shall be sent by registered mail to the owner, according to the last revised assessment roll of the Corporation, and such notice shall specify a time within which the connection or connections shall be made.

Right to  
make  
connection

(4) Where the owner of any building or structure fails to make the connection or connections required by the notice within the time set out therein, the Corporation, by its servants and agents, may enter upon the premises and take such steps as may be necessary to make such connection or connections.

Collection  
of cost

(5) If the costs and expenses incurred in making any connection are not paid by the owner within one month after a demand of payment, the clerk of the Corporation shall

insert the amount in the collector's roll and the same may be collected in like manner as municipal taxes; but the council may provide that the costs and expenses including interest at a rate not exceeding 6 per cent per annum on any unpaid balance may be paid in annual payments over a period not exceeding five years and such payments may be added by the clerk to the collector's roll and collected in like manner as municipal taxes.

4. Notwithstanding subsection 4 of section 138 of *The Municipality of Metropolitan Toronto Act, 1953*, a by-law heretofore passed by the council of the Corporation under subsection 2 of that section may be repealed without the assent of the municipal electors.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Township of North York Act, 1960*.





## CHAPTER 157

**An Act respecting the Town of Oakville and  
the Township of Trafalgar**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS the corporations of the Town of Oakville Preamble and the Township of Trafalgar by their petition have prayed for special legislation for the establishment of a public utilities commission as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Board" means the Ontario Municipal Board;
- (b) "Commission" means The Oakville-Trafalgar Public Utilities Commission;
- (c) "construction" includes establishment, enlargement and improvement;
- (d) "Existing Commissions" means the Public Utilities Commission of the Town of Oakville, heretofore established, and the Lake Shore Water Commission, heretofore established;
- (e) "Oakville" means The Corporation of the Town of Oakville;
- (f) "service sewer" means a sanitary sewage main, other than a replacement main, having a diameter of 10 inches or less to which direct connections are made to receive the discharge of sanitary sewage from the premises of owners;
- (g) "service water main" means a water main, other than a replacement main, having a diameter of 6

inches

inches or less from which direct connections are made for the supply of water to consumers;

(h) "Trafalgar" means The Corporation of the Township of Trafalgar;

R.S.O. 1950,  
c. 320

(i) "utility" includes any public utility, as defined in section 1 of *The Public Utilities Act*, any sanitary sewage and storm drainage works and any work for the supply of electrical energy in Trafalgar, the control and management of which are not by this Act entrusted to the Commission.

Commission  
established

**2.—(1)** A commission is hereby established to be known as "The Oakville-Trafalgar Public Utilities Commission".

Corporate  
body

(2) The Commission is a body corporate.

Composition

(3) The Commission shall consist of five members, two of whom shall be elected by general vote of the electors of Oakville, two of whom shall be elected by general vote of the electors of Trafalgar, and a chairman, who shall not be one of the four elected members, shall be appointed by the elected members.

Qualification

(4) Every member,

(a) elected by the electors of Oakville shall be a person who is qualified to be elected a member of the council of Oakville; and

(b) elected by the electors of Trafalgar shall be a person who is qualified to be elected a member of the council of Trafalgar; and

(c) appointed as chairman shall be a person who is qualified to be elected a member of the council of Oakville or Trafalgar.

Term of  
members

(5) The elected members of the Commission shall hold office for a period of two years or until their successors are elected.

Term of  
chairman

(6) The chairman shall hold office for a period of two years or until the regular term of the elected members expires, whichever first occurs.

Vacancy  
among  
elected  
members

(7) Where a vacancy occurs among the elected members of the Commission from any cause, the remaining members of the Commission shall appoint a successor from among the persons qualified to be elected to the council of the muni-

cipality from which the member whose seat is vacant was elected, and the person so appointed shall hold office for the remainder of the term for which his predecessor was elected.

(8) Where a vacancy occurs in the office of chairman from any cause, the members shall appoint a successor for the remainder of the term for which his predecessor was appointed. Vacancy in office of chairman

(9) Where the elected members fail to appoint a chairman within thirty days after a vacancy occurs in the office of chairman, the chairman shall be appointed by the Lieutenant Governor in Council. Chairman

(10) Except as otherwise expressly provided in this Act, the provisions of *The Municipal Act* respecting the election of the head of a municipal council apply *mutatis mutandis* to the election of the members of the Commission. Election of members R.S.O. 1950, c. 243

(11) Three members of the Commission constitute a quorum. Quorum

(12) The present elected members of the Existing Commissions, excluding the heads of the councils of Oakville and of Trafalgar, constitute the elected members of the Commission for the years 1960 and 1961, and a chairman shall be appointed forthwith in accordance with this Act. Members of first Commission

(13) The first election of members of the Commission shall be held in the year 1961 for the years 1962 and 1963, and thereafter the elections shall be held every second year in both Oakville and Trafalgar for the election of members of the Commission. First election

**3.—**(1) Subject to the other provisions of this Act and to subsection 4 of section 41 of *The Public Utilities Act*, the Commission is entrusted with the control and management of the water production and distribution systems of Oakville and Trafalgar, and all works for the supply and distribution of electrical power and energy in Oakville and in that part of Trafalgar that is described in Schedule A hereto, and all the powers, rights, authorities and privileges in connection therewith that are by *The Public Utilities Act*, *The Power Commission Act* and *The Municipal Act* conferred upon each municipal corporation and the Existing Commissions, shall be exercised by the Commission and not by the councils of Oakville and Trafalgar. Water and electric utilities entrusted to Commission R.S.O. 1950, c. 320, 281, 243

(2) The councils of Oakville and Trafalgar, by by-laws to be passed by each council to take effect concurrently, may entrust to the Commission the control and management of Other utilities

any other utility with the same powers, rights, authorities and privileges as are set out in subsection 1.

**Control and management**

(3) The Commission has control and management of the design, construction and installation of all works required for every utility, the control and management of which are entrusted to the Commission.

**Extension of utility into another municipality**

(4) No part of the works of any utility under the control and management of the Commission shall be undertaken in or extended into, and no supply of such utility shall be furnished to or in, any municipality other than Oakville and Trafalgar without the consents of the councils of Oakville and Trafalgar, to be expressed by by-law.

**Employees**

4.—(1) The officers and employees of the Existing Commissions shall be continued until removed by the Commission, unless their engagements sooner terminate.

**Tenure**

(2) Every officer, employee and servant of the Commission shall hold office during the pleasure of the Commission.

**Initiation of works**

5.—(1) The Commission shall initiate all works that in the opinion of the Commission are required for the better functioning of the utilities under its control and management.

**Proposal for construction of work**

(2) Upon initiating any proposal for the construction of a work, the whole cost of which is not to be provided from available funds of the Commission, the Commission shall set forth in a request to each municipality its recommendation as to the sums to be provided by each municipality to meet the capital cost of the proposal.

**Approval by municipalities**

(3) If the councils of Oakville and Trafalgar by by-law approve of the request, then, subject to *The Ontario Municipal Board Act*, each municipality shall provide the sum for which it is responsible and may borrow such sum by the issue of debentures.

**Application to Municipal Board**

(4) If the councils of Oakville and Trafalgar do not by by-law, enacted within sixty days of the receipt of the request, approve of it, the Commission or either municipality may apply to the Board for an order approving the proposal and the Board may approve or not approve the proposal as made or approve it with such variation as the Board deems just, and may direct the municipalities to provide the funds in such proportion and in such manner as the Board deems just, and each municipality shall comply with the order.



(5) In the event that either municipality requests the construction of a work for the better functioning of a utility under the control and management of the Commission and the Commission declines to initiate or for a period of sixty days after receipt of the request does not initiate a proposal for the establishment of the work, the municipality seeking the initiation may apply to the Board in like manner and with like effect as is provided for in subsection 4.

6.—(1) Moneys required for the construction of any work, subject to subsections 3 and 4 and subject to any order of the Board declaring otherwise, shall be apportioned between the two municipalities in the ratio of their respective last revised assessments as of the 31st day of December in the preceding year.

(2) If such assessments of the two municipalities shall, on equalization for county purposes, be fixed for such purposes at different proportions of their actual amounts, an adjustment shall be made against the municipality whose assessment appears thereby to have been too low in favour of the municipality whose assessment appears to have been too high, and any sum appearing on such adjustment shall be taken into account upon the next request for moneys for the purposes set forth in subsection 1.

(3) Notwithstanding the foregoing provisions and subject to *The Ontario Municipal Board Act*, either municipality may agree with the Commission to provide, by borrowing by the issue of debentures, or otherwise, any sum of money required for the construction of any work comprising part of a utility under the control and management of the Commission.

(4) In respect of the construction of any water main or any sanitary sewage main designed and available to serve abutting lands,

- (a) all moneys required for the construction of service water mains and service sewers shall be supplied by the municipality in which the work is situated;
- (b) the moneys required for the construction of any water main or sanitary sewage main of a size greater than that of a service water main or service sewer shall, to the extent of the cost of a service water main or service sewer designed to serve the abutting lands, be supplied by the municipality in which the work is constructed; and
- (c) each municipality may borrow by the issue of debentures the moneys that it is required by this subsection to supply.

Commission  
may  
requisition  
sums

(5) The Commission, on commencing any work for the construction of any utility under its control and management, the whole cost of which cannot be provided from money available to the Commission, shall from time to time requisition in writing from each municipality the sums to be expended.

Trafalgar  
to pay  
cost to  
complete  
electrical  
utility

(6) Trafalgar shall pay the cost of acquiring from The Hydro-Electric Power Commission of Ontario such assets for the supply of electrical power as are necessary for the complete establishment of the electrical utility, the control and management of which are hereby entrusted to the Commission, and may issue debentures therefor.

Special  
levies

7. Nothing in this Act affects the right of either municipality to establish special levies in the municipality, or a defined area thereof, for any utility under the control and management of the Commission, whether such levy is made under *The Local Improvement Act*, *The Municipal Act* or any other Act, but no such special levy shall be imposed in either municipality, or a defined area thereof, without the approval of the Board.

R.S.O. 1950,  
cc. 215, 243

Rates and  
charges not  
otherwise  
provided

8.—(1) The Commission, in respect of any utility the rates or charges for which are not herein otherwise provided for, shall fix the rates and charges, including hydrant rentals in respect of the water utility, at an amount sufficient to provide for the supply of the utility and to repay the principal of and interest on all moneys borrowed in respect of the utility to the extent that the repayment of such moneys is not provided for by special assessments or special levies or by contributions that are governed by section 312a of *The Municipal Act* or is not borrowed under subsection 4 of section 6 of this Act.

R.S.O. 1950,  
c. 243

Electrical  
utility  
rates

(2) The Commission, in respect of the electrical utility under its control and management, shall fix the rates and charges at an amount sufficient to provide for the supply of the utility and to repay the principal of and interest on all moneys borrowed in respect of the utility, including any moneys borrowed to purchase the plant and equipment of that part of the rural district to be taken over from The Hydro-Electric Power Commission of Ontario, all in accordance with and subject to *The Public Utilities Act* and *The Power Commission Act*.

R.S.O. 1950,  
cc. 320, 281

Sewer  
utility  
charge

(3) The Commission, in respect of any sewer utility under its control and management, shall, on or before the 31st day of January in each year, fix the annual charge to be paid by each municipality, so that the charge,

(a) shall include an amount sufficient to provide for the operating expenses of the utility and to repay the

principal

principal of and interest on all moneys borrowed in respect of the utility to the extent that the repayment of such moneys is not provided for by special assessments or by special levies or by contributions that are governed by section 312a of *The Municipal Act* or is not borrowed under subsection 4 of section 6 of this Act; <sup>R.S.O. 1950, c. 243</sup>

- (b) shall be decreased by the amount of any surplus from the preceding year or increased by the amount of any deficit from the preceding year; and
- (c) shall be apportioned between the two municipalities in the ratio of their respective last revised assessments as of the 31st day of December in the preceding year, subject to adjustment as provided in subsection 2 of section 6.

(4) Upon receipt of particulars of the annual charge in respect of the sewer utility from the Commission, each municipality shall make payment thereof in four equal instalments on March 15, June 15, September 15 and December 15 in the same year, and any adjustment shall be made on payment of the last instalment. <sup>Particulars of charge</sup>

9.—(1) The Commission shall keep separate accounts with respect to the utilities under its control and management. <sup>Separate accounts</sup>

(2) The receipts arising from the supply of electrical energy shall be used and applied as directed by *The Power Commission Act* and *The Public Utilities Act*. <sup>Use of receipts, from electrical utility  
R.S.O. 1950, cc. 281, 320</sup>

(3) The receipts arising from the rates and charges for the supply of the water utility and any other utility to which subsection 1 of section 8 applies and all other income in respect of the relevant utility shall be applied, <sup>from water utility, etc.</sup>

- (a) to the payment of the current expenditures of the utility;
- (b) to the payment to the treasurer of each municipality of the sums required to repay the principal of and interest on all moneys borrowed in respect of the utility to the extent that provision for the repayment of such moneys is not otherwise made;
- (c) to the maintenance, repair and renewal of the utility; and

(d)

- (d) to the establishment of a reserve fund to which may be added any surplus remaining at the year's end from receipts over and above the amount necessary to provide for the matters in clauses *a*, *b* and *c*.

Reserve  
fund

(4) The reserve fund established under clause *d* of subsection 3 may be expended by the Commission as required for capital expenditures in connection with the utility, and any part thereof that is not immediately required may be invested in such securities as a trustee may invest in under *The Trustee Act*.

R.S.O. 1950,  
c. 400

Use of  
receipts,  
from  
sewer  
utility

(5) The receipts arising from the charges for any sewer utility and all other income in respect of the relevant utility shall be applied,

- (a) to the payment of the current expenditures of the utility;

- (b) to the payment to the treasurer of each municipality of the sums required to repay the principal of and interest on all moneys borrowed in respect of the utility to the extent that provision for the repayment of such moneys is not otherwise made; and

- (c) to the maintenance and repair of the utility,

and any balance remaining shall be deemed a surplus to be taken into account in reduction of the charge for the succeeding year.

Land in  
Oakville and  
Trafalgar,  
acquisition

**10.—**(1) Any land, easement, right-of-way or other interest in land of any nature required for the use of the Commission for the purpose of any utility under its control and management may be acquired or expropriated by the municipality in which the land is situate upon receipt of a requisition from the Commission setting forth particulars of the land, easement, right-of-way or other interest in land required.

Land  
situate  
outside  
Oakville  
and  
Trafalgar

(2) Any land situate outside Oakville and Trafalgar and any easement, right-of-way or other interest in such land of any nature required for the use of the Commission for the purpose of any such utility may be acquired or expropriated by the municipality that receives from the Commission a requisition setting forth the particulars of the land, easement, right-of-way or other interest in the land required.

Application  
to  
Municipal  
Board

(3) If the municipality to which the requisition is addressed refuses to acquire or expropriate in accordance therewith or fails to act thereon within sixty days of the receipt of the

requisition,



requisition, the Commission may apply to the Board for an order approving the requisition and the Board may approve or not approve the requisition as made or may approve it with such variation as the Board deems just, and may direct the municipality to act upon such approval, and upon an order being made the municipality shall comply therewith.

(4) Where the cost of such acquisition or expropriation cannot be provided from the reserve fund of the utility, it shall be provided in the manner set forth in section 6. Cost of acquisition of land

(5) No land, easement, right-of-way or other interest in land used by the Commission for the purpose of any utility under its control and management shall be disposed of or otherwise dealt with by the municipality in which it is situate without the consent of the Commission and of the council of the other municipality, and the proceeds of any disposition shall form part of the reserve fund of the relevant utility. Disposal of land

(6) The Commission may without the consent of either municipality dispose of such supplies and equipment as the Commission deems surplus and no longer required by it for any utility under its control and management. Disposal of supplies, etc.

**11.—**(1) The Existing Commissions cease to exist and are hereby dissolved. Existing Commissions dissolved

(2) Upon such dissolution, Idem

(a) except as otherwise provided in clause *d*, all assets of the Existing Commissions, including all rights arising from claims of the Existing Commissions and of either municipality on behalf of the Existing Commissions, are hereby vested in the Commission;

(b) the contract dated the 15th day of December, 1955, and all amendments thereto, made between the Existing Commissions in respect of the supply and distribution of water, are hereby terminated;

(c) all other contracts of the Existing Commissions are contracts of the Commission to the same extent and effect as if the Commission had been a party thereto;

(d) all lands, easements, rights-of-way and other interests in land heretofore acquired by or for either of the Existing Commissions are vested in the municipality that acquired them, or the Existing Commission of which acquired them, and the control and management thereof are hereby entrusted to the Commission;

(e)



(e) all moneys held in trust by either municipality for the provision of utilities under the control and management of the Commission shall be paid or transferred to the Commission and shall be held by it and may be expended by it as provided by section 312a of *The Municipal Act*; and

R.S.O. 1950,  
c. 243

(f) the Commission is liable for all accounts payable, all other debts of the Existing Commissions and all liabilities of the Existing Commissions that arise out of the acts of the Existing Commissions.

Application  
of  
R.S.O. 1950,  
cc. 281, 320

**12.** With respect to the electrical utility, *The Power Commission Act* applies and, except as otherwise expressly provided by this Act, *The Public Utilities Act* applies to the Commission.

Agreement  
validated

**13.** The agreement dated the 16th day of November, 1959, made between Oakville of the First Part, Trafalgar of the Second Part and the Existing Commissions of the Third Part, set forth as Schedule B hereto, is hereby declared to be and to have been from the date thereof legal, valid and binding upon the parties thereto and debentures may be issued in accordance therewith.

Area for  
supply of  
electrical  
energy

**14.** Notwithstanding anything contained in subsection 12 of section 66 of *The Power Commission Act*, the area for the supply of electrical energy in the Township of Trafalgar as presently existing is hereby enlarged to include the area set out in Schedule A hereto.

1939, c. 75,  
repealed

**15.** *The Township of Trafalgar Act, 1939* is repealed.

Commence-  
ment

**16.** This Act comes into force on the 1st day of July, 1960.

Short title

**17.** This Act may be cited as *The Oakville-Trafalgar Public Utilities Commission Act, 1960*.

## SCHEDULE A

The Town of Oakville and that part of the Township of Trafalgar lying south-easterly of the line between the north-westerly halves and the south-easterly halves of Lots 1 to 35 inclusive in the Second Concession north of Dundas Street of the said Township of Trafalgar.

## SCHEDULE B

THIS AGREEMENT made in quadruplicate this sixteenth day of November in the year of our Lord one thousand nine hundred and fifty-nine.

BETWEEN:

THE CORPORATION OF THE TOWN OF OAKVILLE,

hereinafter called Oakville,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF TRAFALGAR,

hereinafter called Trafalgar,

OF THE SECOND PART,

—and—

THE OAKVILLE PUBLIC UTILITIES COMMISSION  
and THE TRAFALGAR PUBLIC UTILITIES COMMISSION,

hereinafter called the Commissions,

OF THE THIRD PART.

WHEREAS the Councils of Oakville and Trafalgar have agreed to certain principles and recommendations for the implementation of an Act of the Ontario Legislature to unify the Commissions.

AND WHEREAS a special committee of the two Municipalities respecting joint utilities have further agreed and recommended that Trafalgar raise by way of debenture or otherwise the total sum of \$564,500.00 to contribute to the equalization of the capital investment of both Municipalities in the waterworks plant and distribution system, which recommendation of the said joint committee respecting joint utilities has been approved by the Councils of both Oakville and Trafalgar.

AND WHEREAS a part of the monies agreed to be supplied by Trafalgar are required for works to be done at the Oakville water plant within the Town of Oakville in the estimated amount of \$226,500.00 and the necessity for such work is urgent to secure the necessary supply of water for the summer of 1960.

AND WHEREAS Oakville and Trafalgar deem it desirous to enter into this Agreement for the provision of the necessary money to implement the works at the Oakville water plant with the Commissions consenting thereto.

AND WHEREAS this Agreement is recommended to Oakville, Trafalgar and both Commissions by the special committee respecting joint utilities.

NOW THEREFORE in consideration of these premises and other valuable consideration it is agreed as follows:

1. Trafalgar agrees to raise by way of debentures or otherwise a sum now estimated to be \$226,500.00 for the necessary works to the Oakville water plant within the Town of Oakville, in accordance with the recommendations of the Consulting Engineers of the Commissions.

2. Trafalgar further agrees that the monies so raised by debenture or otherwise by Trafalgar for the necessary and approved work shall be paid to the Oakville Public Utilities Commission, that all work done at the said

water plant in the Town of Oakville shall be under the supervision and control of the Oakville Public Utilities Commission and shall be designed and supervised by the Consulting Engineer of the said last-mentioned Commission.

3. Oakville and Trafalgar agree to and with each other that from the date any monies for the necessary improvements to the Oakville water plant are advanced by Trafalgar, the Oakville water plant, including all facilities for pumping and filtration of water, shall be jointly owned by Oakville and Trafalgar to the extent of the investment of each Municipality in the said water plant, provided, however, that the maintenance and operation of the said water plant shall remain and be vested in the Oakville Public Utilities Commission who shall operate and manage the said plant for the joint use of both Oakville and Trafalgar.

4. Oakville and Trafalgar further agree to and with each other that in the event the aforementioned Act of the Legislature is passed and assented to with respect to the unification of the two Commissions, the said Act will provide either that the debentures or capital required under this Agreement shall be issued pursuant to the authority of the said Act, or, to the extent that such debentures are issued and the capital then provided, that the issuance or provision of the capital is validated.

5. That in the event that the aforesaid Act of the Legislature is not approved or passed and Oakville at that time wishes to assume sole ownership of the Oakville water plant, Oakville may, on six months' written notice to Trafalgar, repay to Trafalgar the amount of any capital advanced under this Agreement, or the outstanding balance thereof, and upon such repayment any joint ownership of the plant by Trafalgar shall cease from the date of such repayment.

6. Oakville, Trafalgar and the Commissions further agree that the cost of retiring the capital provided herein, including principal and interest, for any amounts advanced pursuant to this Agreement shall be paid by the Oakville Public Utilities Commission from the basic rates charged for water for all consumers in the area served by the Oakville water treatment plant.

7. Oakville, Trafalgar and the Commissions further agree to and with each other that the amount of the capital advanced under this Agreement, and the amounts of any other capital raised by Trafalgar for water services within Oakville, shall be taken into account along with the existing capital expenditure of Oakville, in the rate study presently authorized to be completed by Mr. Ross Skinner, of Clarkson, Gordon & Company, as authorized by resolution of the special committee dealing with joint utilities.

8. Trafalgar agrees with Oakville that nothing in this Agreement shall in any way affect or diminish the present existing Agreement by Trafalgar to supply the necessary capital for the extension of the trunk main on Allan Street to the Davis Street pumping Station, the improvements in the said pumping station and the extension of the trunk main on Rebecca Street westerly, which work shall be commenced as soon as reasonably possible with the necessary capital provided by Trafalgar under the authority now existing under *The Public Utilities Act* and *The Municipal Act*.

9. The Commissions agree to and with each other that nothing in this Agreement shall affect the rates or other terms of the existing water Agreement between the two Commissions, dated the 15th day of September, 1955, except with respect to the provisions of paragraph 3 hereof wherein Trafalgar, to the extent of its investment, is a joint owner of the Oakville water treatment plant, and, further, except to any adjustment in rates that may result from the rate study presently authorized to be completed and referred to in paragraph 7 hereof.

10. All debenture By-laws or any undertakings or Agreements with respect to the supply of capital by Trafalgar shall be subject to the approval of the Ontario Municipal Board.

IN WITNESS WHEREOF the corporate seals of Oakville and Trafalgar have been hereunto affixed duly attested by the respective heads of Council and Clerks thereof, the execution of this Agreement having been approved by By-law of each Municipality, and the corporate seals of the Commissions have been hereunto affixed duly attested by their proper signing officers. The execution of this Agreement by the Trafalgar Public Utilities Commission shall be deemed to include any powers exercised by such commission under the provisions of *The Lakeshore Water Commission Act*, Ontario Statutes 1939, Chapter 75.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE TOWN OF  
OAKVILLE:

WILLIAM ANDERSON,  
*Mayor.*

D. A. CAMM,  
*Clerk.*

THE CORPORATION OF THE TOWN-  
SHIP OF TRAFALGAR:

F. A. PHILLIPS,  
*Reeve.*

F. S. FEATHERSTON,  
*Clerk.*

THE OAKVILLE PUBLIC UTILITIES  
COMMISSION:

H. B. LOFQUIST,  
*Chairman.*  
B. BARLOW,  
*Manager and Secretary.*

THE TRAFALGAR PUBLIC UTILITIES  
COMMISSION:

G. W. LEAVER,  
*Chairman.*



## CHAPTER 158

## An Act to incorporate the Ontario Institute of Professional Agrologists

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS the persons named in section 2 by their <sup>Preamble</sup> petition have represented that they are desirous of being incorporated under the name "Ontario Institute of Professional Agrologists", herein called the Institute, for the purpose of carrying out the object of the Institute and of the government and discipline of its members; and whereas the petitioners have prayed that special legislation be passed for such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "agrology" means the science or art of <sup>Interpre-</sup> agriculture, including scientific experiments and research in relation thereto, and "agrologist" means a person who teaches, demonstrates or performs any work or service in agrology.

**2.** J. W. Huxley, Manager, Toronto; W. M. Fisher, Farmer, <sup>Institute</sup> Burlington; A. E. Barrett, Executive Assistant, Ottawa; E. F. Bolton, Soil Specialist, Woodslee; W. S. Carpenter, Extension Specialist, Vineland; P. W. Couse, Manager, Toronto; D. W. Hoffman, Pedologist, Guelph; J. W. Ketcheson, Professor, Guelph; W. D. MacClement, Professor, Hamilton; W. H. Minshall, Botanist, London; R. P. Pennington, Manager, Toronto; W. D. Porter, Statistician, Ottawa; and such other persons as hereafter may become members of the Institute are hereby constituted a body corporate and politic under the name "Ontario Institute of Professional Agrologists".

**3.** The object of the Institute is to promote and increase <sup>Object</sup> the knowledge, skill and proficiency of its members in the practice of their profession.

**4.—(1)** Any person who is of the full age of twenty-one <sup>Membership</sup> years or over and is of good character may, upon payment

of the fees prescribed by the by-laws of the Institute, be registered as a member of the Institute,

- (a) if he holds a degree in agriculture from the Ontario Agricultural College granted by the University of Toronto;
- (b) if he holds a degree in agriculture from any college or university that in the opinion of the Council has courses and standing equivalent to those of the Ontario Agricultural College;
- (c) if he holds a degree other than in agriculture from a college or university and satisfies the Council that he possesses qualification equivalent to that required under clause *a* or *b*;
- (d) if he holds membership in good standing in a professional agricultural body having standards for admission to membership in that body that in the opinion of the Council are equivalent to those under clause *a*, *b* or *c*; or
- (e) if he is a resident of Ontario who, within one year after the day this Act comes into force, files an application with the Council in that behalf and satisfies the Council by credentials or otherwise that he, by reason of experience, training or examinations, possesses qualifications similar to those required by this Act and the by-laws of the Institute.

Exception

(2) No corporation, partnership or association of persons shall be registered as a member of the Institute.

Certificate  
of  
membership

5. Every applicant who qualifies for registration and has paid the required fees shall be issued a certificate of membership under the seal of the Institute and the signatures of the president and registrar.

Register

6.—(1) The registrar of the Institute shall enroll in a register provided by the Council the names of all persons admitted as members of the Institute.

Idem

(2) The registrar shall keep the register correct in accordance with this Act and the by-laws of the Institute.

Privileges

(3) Only those members whose names appear in the register are entitled to the privileges of membership in the Institute.

7. The Institute may acquire, by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require. Real and personal property

8.—(1) There shall be a council of the Institute, herein called the Council, which shall control and manage the affairs of the Institute. Council

(2) The Council shall consist of not fewer than nine and not more than fifteen members as the by-laws prescribe, all of whom shall be elected for such term and in such manner as the by-laws provide. Composition

(3) In the case of the death, resignation or incapacity of any member of the Council, the office may be declared vacant by the Council and the Council may fill the vacancy in such manner as the by-laws provide, and absence from three consecutive meetings or cancellation or suspension of registration may be treated by the Council as incapacity. Vacancies

(4) The Council may appoint a registrar, secretary, treasurer and such other officers and employees as are provided for in the by-laws. Officers, staff

(5) The same person may hold more than one office. Holding more than one office

9.—(1) The Council may pass by-laws, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Institute, its management, government, aims, objects and interests, including, By-laws

- (a) prescribing the number of and the term of office of the members of the Council;
- (b) providing for the election of the members of the Council and for the filling of vacancies thereon;
- (c) providing for the election or appointment of such officers of the Institute as are necessary for carrying out the purposes of the Institute, and prescribing their powers and duties;
- (d) providing for the remuneration and reimbursement of members of the Council and the officers and employees of the Institute;
- (e) fixing the dates and places of meetings of the Institute and the Council and prescribing the manner of calling and conducting such meetings;

(f)

- (f) providing for the fixing, levying and collecting of fees payable upon application for registration and renewal of registration, and prescribing the penalties for failure to make such payments;
- (g) providing for the keeping of a register of members and the conditions and procedure of registration, annual renewal of registration and the cancellation or suspension of registration;
- (h) providing for the management of the property of the Institute;
- (i) prescribing a code of ethics to govern the discipline, conduct and control of members;
- (j) governing the expenditures and dispositions of the revenue of the Institute and prescribing the books and records to be kept and providing for audits;
- (k) providing for qualifications of membership in addition to those prescribed in section 4;
- (l) providing for the forms of certificates of registration and their renewal;
- (m) regulating the conduct of the members of the Institute, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Institute;
- (n) providing for a board of examiners and prescribing its powers and duties;
- (o) providing for the form of application, the examination of applicants and proof of academic qualification, experience in agrology and any other qualifications required for registration;
- (p) providing for the re-examination of applicants and for the procedure and conditions of restoring registration where such registration has been cancelled or suspended by the Council;
- (q) respecting any matter deemed necessary or advisable for the effective management of the Institute and the conduct of its business.

Approval  
of by-laws

(2) No by-law shall come into force until approved at an annual general meeting of the Institute or at a special general meeting called for the purpose of considering the by-law.



**10.**—(1) The persons named in section 2 are hereby constituted the provisional council of the Institute; the first-named shall hold office as president, the second-named shall hold office as vice-president and the remainder shall hold office as councillors until their successors are elected in accordance with the by-laws of the Institute. <sup>Provisional council</sup>

(2) The provisional council shall prepare provisional by-laws for the purposes set out in section 9. <sup>Provisional by-laws</sup>

(3) The provisional council, within six months after the day this Act comes into force, shall call a general meeting of the members of the Institute for the purposes of organization, of approving the provisional by-laws and of electing the members of the Council. <sup>General meeting</sup>

**11.** Any surplus moneys derived from carrying on the affairs and business of the Institute shall be devoted solely to promoting and carrying out its object. <sup>Surplus</sup>

**12.** Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act and nothing in this Act or the by-laws passed by the Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. <sup>Application of Act</sup>

**13.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**14.** This Act may be cited as *The Ontario Professional Agrologists Act, 1960*. <sup>Short title</sup>





## CHAPTER 159

## An Act respecting the Town of Orillia

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Town of Orillia, <sup>Preamble</sup> herein called the Corporation, by its petition has represented that on or about the 29th day of May, 1958, the Corporation passed By-law No. 3627 of the Town of Orillia respecting The Leacock Memorial Home Board, which by-law governs the composition of the Board and the administration, maintenance and general upkeep of the Stephen Leacock Memorial Home, situate within the boundaries of the Town of Orillia; and whereas there appears to be no specific authority for passing such by-law; and whereas the petitioner has prayed for special legislation validating and confirming By-law No. 3627; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 3627 of the Corporation, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof from the date of the passing of such by-law. <sup>By-law validated</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Town of Orillia Act, 1960*. <sup>Short title</sup>

## SCHEDULE

## BY-LAW NO. 3627 OF THE TOWN OF ORILLIA

## A BY-LAW RESPECTING THE LEACOCK MEMORIAL HOME BOARD

WHEREAS Stephen Butler Leacock, Canada's greatest humourist and leading author during the first half of the twentieth century, was a resident of Orillia during that period, and made the town famous by drawing upon its activities and personalities for the material for his most popular book "Sunshine Sketches of a Little Town".

AND WHEREAS The Municipal Corporation of the Town of Orillia has purchased the home of Stephen Leacock on Old Brewery Bay within the Town limits for development as a permanent national memorial to this great citizen, and as a literary centre and tourist attraction.

AND WHEREAS it is deemed expedient and advisable to form a distinctive body and organization to undertake the development and administration of the property in the direction indicated in the previous paragraph.

NOW, THEREFORE, THE MUNICIPAL CORPORATION OF THE TOWN OF ORILLIA HEREBY ENACTS as follows:

1. There shall be constituted a Board composed of eight members, six of whom shall be appointed by the Town Council (of which two shall be from the Town Council itself) and two shall be appointed by the Executive of the Stephen Leacock Associates, such Board to be known as, and bear the name of The Leacock Memorial Home Board.

2. That two of the original members appointed by the Council shall hold office for a term of three years, and two shall hold office for two years. Subsequent appointments shall be for three years. The members appointed from the Town Council shall hold office for one year only.

3. All terms of office shall date as from the first of January in the years they are made. Vacancies due to death, resignation or removal from the Municipality may be filled for the unexpired portion of the term of the member involved.

4. The Board shall elect a Chairman, Secretary and Treasurer, or Secretary-Treasurer; the latter may be a member of the staff employed at the Home. They should be elected annually, but shall in any case hold office till their successors are elected.

5. The Board is hereby authorized and charged to operate and maintain the property for the purposes set forth in the preamble. They shall engage the necessary staff and other help, provide for the protection of the libraries and other treasures, maintain adequate insurance, effect repairs and perform all other duties of administration required to maintain the buildings and grounds in good order.

6. Should there be space available in the home beyond that required for the display of Leacock Memorabilia, it may be used for showing other historical material connected with the history of Orillia.

7. The Home and grounds shall be open to the public on seven days in the week throughout the tourist season, subject to an admission charge. Members of the Stephen Leacock Associates shall be entitled to the Home without charge on presenting their non-transferable membership cards for the current year.

8. The Board shall seek to provide the funds required for carrying out their duties by such means as admission fees, grants-in-aids, sale of souvenirs and other similar methods. Should there be a shortage in any years, they may make a requisition on the Town Council to cover it. Should there be a surplus, it may be applied to objects calculated to keep alive and spread interest in Stephen Leacock and his works.

9. The said Board shall be responsible for carrying out the terms of any agreement reached between the Town of Orillia and the Government of Canada, with respect to the establishment of the Stephen B. Leacock monument or memorial as a National Historic Site on the Old Brewery Bay property.

10. Schedule "A" to this By-law so far as it applies to the administration, maintenance and general upkeep of the Home shall be considered as part of this By-law.

READ A FIRST, SECOND AND THIRD TIME and finally passed this the 29th day of May, A.D. 1958.

A. J. TRUMAN,  
*Mayor.*

H. E. M. PAYNE,  
*Clerk.*

*Schedule "A"*

## THE STEPHEN LEACOCK ASSOCIATES

As an auxiliary to the Leacock Memorial Home Board, it is proposed to have a voluntary organization composed of friends and admirers of the wizard of Old Brewery Bay, to be known as the Stephen Leacock Associates. The object of the body shall be to widen public interest in the Memorial Home, to as great a degree as possible in the Leacock legend.

Membership shall be composed of those who pay a fee of Two Dollars (\$2.00) per annum, or a life membership of Twenty-five Dollars (\$25.00). The Executive Committee may appoint honorary members who may be entitled to special consideration.

There shall be an Executive Committee composed of a Chairman, a Secretary, a Treasurer and six directors to be elected annually at the Leacock Medal Dinner, or, if there should be no dinner, then at a meeting of the members to be called for the purpose. The Committee shall hold office until its successors are elected.

The Executive Committee shall have the right to appoint two members to the Board of the Leacock Memorial Home.

The representative of the Associates shall hold office for two years, dating from the first of January, in the year which they are appointed. If no successor is appointed a Board member may hold office for a third year.

The Executive Committee shall be responsible for arranging for the annual award and presentation of the Leacock Medal for humour.

The Board of the Leacock Memorial Home may delegate specific projects or duties to the Executive Committee, and allocate funds to carry them into effect.

It shall be one of the duties of the Associates to provide hosts and hostesses to assist in entertaining groups of distinguished visitors from a distance who may come.

The Associates will also be expected to give support generally to the work of the Memorial Board, in its efforts to make the purposes for which it is constituted as effective as possible.



CHAPTER 160

An Act respecting the City of Oshawa

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Oshawa by Preamble  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. In this Act, Interpre-  
tation
- (a) “Commission” means the Public Utilities Commis-  
sion of the City of Oshawa;
  - (b) “Corporation” means The Corporation of the City  
of Oshawa;
  - (c) “Council” means the Council of the Corporation;
  - (d) “system” means the public bus transportation  
system established under the authority of this Act.

2.—(1) The Corporation has power to establish, maintain, Corporation  
may  
establish  
public bus  
system  
extend and operate a public bus transportation system within  
the City of Oshawa and, subject to the approval of the  
council of any municipality adjoining the City of Oshawa,  
within the limits of any such adjoining municipality.

(2) Without limiting the power conferred by subsection 1, Further  
powers  
the Corporation has power,

- (a) to acquire by purchase or otherwise the bus trans-  
portation facilities and equipment of the Oshawa  
Railway Company or any part or parts thereof;
- (b) to acquire, purchase or lease any real or personal  
property required for the establishment, operation,  
maintenance or extension of the system;

(c)

R.S.O. 1950,  
cc. 167, 322

- (c) subject to the provisions of *The Highway Traffic Act* and *The Public Vehicles Act*, to transport and convey passengers throughout Ontario whether by chartered trips or otherwise;
- (d) to fix transportation fares and tolls and to make regulations with respect to the operation and control of the system;
- (e) to enter into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the Corporation in such municipality; and
- (f) to issue debentures for the purpose of defraying the cost of establishing, maintaining or extending the system, and to agree from time to time with any chartered bank for temporary advances to meet the expenses of the system.

Bus system  
may be  
entrusted  
to  
Commission

**3.** The Council may, by by-law, entrust to the Commission the management, operation, maintenance, extension and control of the system and the Commission, while such by-law remains in force, has and may exercise all the powers, rights, authorities and privileges now conferred or hereafter conferred on the Corporation with respect thereto, subject, however, to the provisions of this Act.

Exclusive  
rights

**4.** The rights conferred on the Corporation and the Commission by this Act to maintain and operate buses for the conveyance of passengers within the City of Oshawa are exclusive as against all other persons but do not affect any licence granted under *The Public Vehicles Act*.

Operation  
of system  
outside  
Oshawa

**5.** The Commission shall not, without the consent of the Council expressed by by-law, operate a public bus transportation system outside the limits of the City of Oshawa.

Fares  
and tolls

**6.** The Commission shall, so far as possible, fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

Audit

**7.** The fiscal year of the Commission shall be the calendar year and the accounts of the Commission shall be audited at the expense of the Commission by the auditors of the Corpora-

tion,

tion, and the Commission shall, within one month of the receipt by it of such auditor's report, deliver to the Council a complete audited and certified financial report, including a balance sheet of assets and liabilities, and a statement of revenue and expenditures and showing the operating profit or loss for the preceding calendar year, and, if such statement shows an operating deficit, showing the amount of the net operating deficit after applying any profit from previous years' operations in reduction thereof.

**8.** The Commission shall, before the 15th day of February in each year or such later date as may be established by by-law of the Council, submit to the Council an estimate of any moneys required to pay any net operating deficit of the system during the preceding calendar year, and the Council shall include the same in its estimates for the year and levy therefor and shall pay over to the Commission the amount of any such net operating deficit as shown by the auditor's statement for such calendar year. <sup>Operating deficits</sup>

**9.—(1)** The Commission shall not undertake the purchase of equipment or any extension or improvement of the system, the cost or any part of the cost of which is to be or may be provided for by the Corporation, unless an estimate of the expenditure required is first submitted to the Council and such expenditure is approved by the Council. <sup>Costs of improvements that may be provided by Corporation</sup>

**(2)** The Council may approve of any such expenditure and cause the same to be raised by levy or by the issue and sale of debentures. <sup>Levy for such costs</sup>

**(3)** Subsection 1 does not apply to any expenditures for the maintenance or renewal of existing equipment, provided that such expenditures are properly chargeable to the operating expenses of the year in which they are made and provided also that such expenditures are not to be met by the issue and sale of debentures. <sup>Application to maintenance costs</sup>

**10.** The Commission shall provide for and pay over to the Corporation, but only out of the revenues of the system, such amounts as may be required to pay and retire principal and interest charges on any debentures issued by the Corporation with respect to the acquisition, extension or improvement of the system. <sup>Debenture payments out of revenues</sup>

**11.** It shall not be necessary to secure the assent of the electors, or any class thereof, to any by-law passed by the Council under this Act, including any by-law passed to authorize the issue of debentures for the purposes of the system. <sup>Assent of electors</sup>

Temporary  
advances

**12.** The Commission may, with the approval of Council, agree from time to time with any chartered bank for temporary advances to meet the expenses of the system.

Power of  
Commission  
to acquire  
and hold  
land

**13.** The Commission has power to acquire and hold land in its own name for the purposes of the system, and the power of the Corporation or the Commission to acquire land for its purposes shall be deemed to include power to acquire land for the purposes of the system.

Claims, etc.  
against  
Commission

**14.** The Commission may sue and be sued in its own name and all claims, actions and demands arising from or relating to the construction, repair, operation, management or control of the system and property used in connection therewith shall be made upon and brought against the Commission while any by-law passed under section 3 remains in force.

Commence-  
ment

**15.** This Act shall be deemed to have come into force on the 1st day of December, 1959.

Short title

**16.** This Act may be cited as *The City of Oshawa Act, 1960*.



## CHAPTER 161

## An Act respecting the City of Ottawa

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
 herein called the Corporation, by its petition has  
 prayed for special legislation in respect of the matters herein-  
 after set forth; and whereas it is expedient to grant the prayer  
 of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.**—(1) Clause *b* of subsection 1 of section 1 of *The City of* 1959, c. 125,  
*Ottawa Act, 1959* is amended by adding at the end thereof s. 1, subs. 1,  
 “and 1960”, so that the clause shall read as follows: cl. b,  
amended

(*b*) provide for fixed annual payments by the Com-  
 mission to the Corporation in respect of debentures  
 to be issued by the Corporation for the purposes of  
 the Commission in 1959 and 1960.

(2) Clause *c* of subsection 1 of the said section 1 is amended 1959, c. 125,  
 by adding at the end thereof “and the deficit of the Commission s. 1, subs. 1,  
 for 1959, estimated at \$490,000”, so that the clause shall read cl. c,  
 as follows: amended

(*c*) pay to the Commission out of the general revenues  
 of the Corporation the amount required to meet  
 in whole or in part the deficit of the Commission, as  
 at the 31st day of December, 1957, amounting to  
 \$289,595.24, and the deficit of the Commission for  
 1958, estimated at \$610,000, and the deficit of the  
 Commission for 1959, estimated at \$490,000.

**2.** Notwithstanding the provisions of subsection 2 of section Expenditures  
 422 of *The Municipal Act*, the council of the Corporation may for  
 expend in any year an amount not exceeding \$100,000 for publicity  
 the purpose of paying any expenses of its Industrial Commis- R.S.O. 1950,  
 sion and of its Tourist and Convention Bureau and for the c. 243

purpose



purpose of diffusing information respecting the advantages of the City of Ottawa as an industrial, business, educational, residential or vacation centre.

Pedestrian  
promenades  
R.S.O. 1950,  
c. 243

3.—(1) Notwithstanding the provisions of *The Municipal Act*, the council of the Corporation may, subject to subsection 2, pass by-laws for establishing all or any part of any highway in the municipality solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods of every day or of any day or days of the week as may be specified in the by-law, and for permitting the obstruction of the promenade in such manner and to such extent as the council may deem desirable.

Approval

(2) No by-law passed under subsection 1 and no by-law that amends or repeals any such by-law shall come into force without the approval of the Minister of Transport.

Right to  
damages  
by reason  
of creation  
of  
promenade

R.S.O. 1950,  
c. 24

(3) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Corporation for loss of business or for loss of access to or from any highway or for any injurious affection to land, as defined in *The Assessment Act*, arising from the exercise by the Corporation of its powers under this section.

Sinking  
funds

4.—(1) In this section,

- (a) "Committee" means the sinking fund committee;
- (b) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 341 of *The Municipal Act*.

Idem

(2) Notwithstanding the provisions of any general or special Act,

- (a) the council of the Corporation may provide in any money by-law that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures;
- (b) when sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum that, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures as it becomes due;

(c)

- (c) when sinking fund debentures are issued, there shall be a sinking fund committee composed of the treasurer of the Corporation and two members appointed by the council of the Corporation, with the approval of the Lieutenant Governor in Council, and the two appointed members may be paid out of the current funds of the Corporation such annual or other remuneration as the council of the Corporation may, with the approval of the Lieutenant Governor in Council, determine;
- (d) the two appointed members of the Committee may at any time be removed by the Lieutenant Governor in Council or by the council of the Corporation with the approval of the Lieutenant Governor in Council;
- (e) the treasurer of the Corporation shall be the chairman and treasurer of the Committee and, in his absence, the appointed members may appoint one of themselves as acting chairman;
- (f) each member of the Committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys and securities that come into his hands, in such amount as the auditors of the Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* apply with respect to such security; R.S.O. 1950,  
c. 243
- (g) the Committee shall keep one or more consolidated bank accounts in which,
  - (i) the treasurer of the Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking funds of all debts that are to be paid by means of sinking funds, and
  - (ii) there shall be deposited all earnings derived from, and all proceeds of the sale or maturity or redemption prior to maturity of, sinking fund investments;
- (h) two members of the Committee shall be a quorum and all investments and sales of investments must be approved by the treasurer of the Corporation and one other member of the Committee;

R.S.O. 1950,  
c. 400

- (i) all assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the treasurer of the Committee who shall report thereon to the board of control and council of the Corporation at least annually;
- (j) all withdrawals from the consolidated bank accounts shall be authorized by the Committee and all cheques on the consolidated bank accounts shall be signed by the treasurer and mayor of the Corporation;
- (k) the Committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investment;
- (l) the moneys in the consolidated bank accounts shall be invested in debentures of the Corporation or other securities in which a trustee may invest under the provisions of *The Trustee Act* or in securities issued by the United States of America;
- (m) all securities acquired by the Committee as investments for sinking fund purposes shall be deposited for safekeeping in a chartered bank or trust company until they are sold or mature or are called for redemption prior to maturity;
- (n) all sinking fund debentures issued on the same date, maturing on the same date and payable in the same currency, notwithstanding that they are issued under one or more by-laws, shall be represented by one sinking fund account;
- (o) where there is more than one sinking fund debenture by-law outstanding, the earnings from sinking fund investments in each year shall be apportioned by the Committee among all the sinking funds in the proportion that the increase during that year in the accumulated interest as provided for in clause *b* on the specific amount required to be deposited annually during the currency of each sinking fund debenture by-law bears to the total of all the increases during that year in the accumulated interest as provided for in clause *b* on all the specific amounts required to be deposited annually during the currency of all outstanding sinking fund debenture by-laws;
- (p) where the office of the treasurer of the Corporation is vacant or the treasurer is absent or is unable to carry on his duties through illness or otherwise, the

deputy

deputy treasurer of the Corporation shall act in his stead and when so acting has all the powers and duties of the treasurer as a member and as treasurer of the Committee.

**5.** The council of the Corporation may pass by-laws,

By-laws  
regulating  
explosives

(a) for prohibiting,

- (i) the manufacture of any explosive within the municipality or any defined area thereof other than such kinds and quantities as may be prescribed in the by-law,
- (ii) the transporting, storing, keeping, having or using of any explosive in the municipality other than such kinds and quantities as may be prescribed in the by-law, and
- (iii) the transporting, storing, keeping, having or using of any explosive in the municipality without a licence;

(b) for,

- (i) examining, licensing, regulating and governing persons who transport, store, keep, have or use any explosive in the municipality,
- (ii) prescribing the terms and conditions under which and the manner in which any explosive may be transported, stored, kept, had or used in the municipality, and
- (iii) requiring permits to be obtained from the Director of Planning and Works of the Corporation for the storage and use of any explosive and for its transportation to, and handling and temporary storage at, the site of its proposed use.

**6.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>ment

**7.** This Act may be cited as *The City of Ottawa Act, 1960*. <sup>Short title</sup>





## CHAPTER 162

**An Act respecting  
The Collegiate Institute Board of Ottawa**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Collegiate Institute Board of Ottawa, <sup>Preamble</sup> herein called the Board, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Pension Plan established by the Board for its non-teaching employees and effective as of the 1st day of July, 1953, as set forth in the Schedule hereto, and the payments made by the Board pursuant to the terms of such Pension Plan are hereby declared to be legal, valid and binding upon the Board and the ratepayers of The Corporation of the City of Ottawa. <sup>Pension plan validated</sup>
2. The Board is hereby empowered to carry out all its future obligations under such Pension Plan. <sup>Future obligations</sup>
3. The Pension Plan may be amended only with the approval and consent of the Minister of Education. <sup>Amendment of plan</sup>
4. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
5. This Act may be cited as *The Ottawa Collegiate Institute Board Act, 1960*. <sup>Short title</sup>

## SCHEDULE

## COLLEGIATE INSTITUTE BOARD OF OTTAWA

## EMPLOYEES' PENSION PLAN

1. *Commencement Date:*

The Plan will become effective on 1st July, 1953.

2. *Who May Join:*

Employees who are age 45 and over will join the Plan on 1st January or 1st July following completion of six months' service.

Entry to the Plan was voluntary for employees in the service of the Board on the Commencement Date. Employees joining the service of the Board after the Commencement Date will be required to join the Plan as a condition of service on 1st January or 1st July following the date on which they become eligible.

Employees, however, in the service of the Board on the Commencement Date who do not join the Plan when eligible must obtain the permission of the Board if they subsequently wish to join.

"Employees" means permanent non-teaching staff of the Board and does not include part-time, temporary or casual employees.

3. *How to Join:*

An employee, who is eligible to join the Plan, must complete an application form which authorizes the required deduction from his or her pay.

4. *Normal Pension Age:*

Normal Pension Age is attained on 1st July nearest to the 65th birthday.

5. *Amount of Pension:*

To find the annual amount of pension at Normal Pension Age multiply the number of complete years spent in each salary grade after joining the Plan, up to Normal Pension Age, for which contributions are paid, by the corresponding rate of pension shown in Column 3 of the Table on Schedule 1.

The sum of the above amounts gives the total annual pension payable from Normal Pension Age.

6. *How Pension is Payable:*

The pension at Normal Pension Age is payable by monthly instalments for a period of five years certain and so long thereafter as the pensioner shall live. This ensures that the return by way of pension will exceed the amount which the member was paid in contributions, as set out in Column (4) of the Table in Schedule 1. The first payment of pension will be made on the date on which Normal Pension Age is attained.

#### *7. Early Retirement:*

If a member retires with the consent of the Board within ten years before Normal Pension Age, he or she may take a smaller pension which would commence immediately. This pension is payable by monthly instalments for life, but as a minimum it will continue until the whole of the member's contributions to the Plan have been returned. This early retirement pension will include the full benefit of the Board's contributions paid prior to the date of retirement in respect of the member.

#### *8. Late Retirement:*

If, with the consent of the Board a member continues in its service after Normal Pension Age, no further contributions will be required but payment of pension may be postponed until actual retirement, with a maximum postponement of five years, for the purposes of the Plan. On that date an increased pension will become payable, the amount of the increase depending on the age at the date of retirement. This pension is payable by monthly instalments for a period of five years certain and so long thereafter as the pensioner shall live.

#### *9. Joint Pension with Dependant:*

At any time before Normal Pension Age a member may elect to take on retirement at Normal Pension Age a smaller pension payable during the joint lifetime of the member and a nominated dependant. This pension would not be payable for any minimum period but would continue in full until the death of the survivor.

#### *10. Optional Combination of Pension with Old Age Pension:*

In order to provide a level amount of pension, a member may elect to take on retirement at or after Normal Pension Age an increased pension under the Plan until age 70 and a decreased pension thereafter. The increase in pension before age 70 and the decrease in pension after age 70 will be based on the rate of Government Old Age Pension in force on the date the member retires and will be such that, when the Government Old Age Pension is added at age 70, the pensioner will receive a level amount of pension for life provided the amount of the Government Old Age Pension does not change after the date when the member retires.

This option is only available if the pension payable to the member under the terms of the Plan is large enough for such an adjustment to be made and if the increased pension is payable for at least twelve months.

#### *11. Minimum Pension:*

Should the pension payable under any provision of this Plan amount to less than \$30.00 per annum, the Assurance Company will require the member to take a cash settlement in lieu of pension payments.

#### *12. Contributions:*

Contributions by members are shown in Column (4) of the Table in Schedule 1 corresponding to each salary grade and will be deducted from salary weekly or monthly as the case may be. The balance of the cost of pension is borne by the Board.

#### *13. Additional Voluntary Contributions:*

In order to increase his or her pension, a member may on any 1st July undertake to make regular voluntary contributions until Normal Pension Age in addition to the contributions required by the member under Clause 12, provided that the member's total contributions under Clause 12 and under this Clause do not exceed \$1,500 in any calendar year.

#### 14. *Income Tax Relief:*

Under the present Income Tax regulations contributions of members as outlined in Clauses 12 and 13 may be deducted from gross income to determine taxable income within the statutory limits.

#### 15. *Death:*

A member may name a beneficiary to receive the amount payable in the event of his or her death and will be permitted to change the beneficiary from time to time provided there is no statutory restriction. If no beneficiary has been nominated or if the nominated beneficiary predeceases the member, any payment due under the Plan will be made to the member's executors, administrators or other personal representatives of his or her estate.

The amount payable in the event of a member's death shall be in accordance with the following:

##### (i) Death Before Retirement on Pension at Normal Pension Age:

If a member dies while in the service of the Company and before retirement at Normal Pension Age, a return will be made of the whole of the member's contributions without interest.

##### (ii) Death after Normal Pension Age but before Retirement on Pension:

If a member who has exercised the Late Retirement Option dies after Normal Pension Age but before retirement on pension, payment will be made of the value of five years' payments of the pension which would have been payable had the member retired on the date of death.

The member (or after the member's death, his or her spouse or dependant, being the nominated beneficiary) may elect that settlement be made under (i) or (ii) above in accordance with the following options:

- (a) in a lump sum; or
- (b) a life pension with or without a guaranteed period. The guaranteed period shall not exceed ten years; or
- (c) in instalments over a period not exceeding ten years. This option is only available to a beneficiary who is the member's spouse or dependant.

Any payment made to the member's estate will be made in a lump sum.

##### (iii) Death after Pension Payments have Commenced:

If a pensioner dies before receiving the total number of instalments guaranteed, payments will be continued until the end of the guaranteed period and shall then cease.

#### 16. *Withdrawal:*

**Employees' Contributions:** If a member leaves the service of the Board before pension is payable the following options will be available to the member in respect of his or her contributions, subject to a decision being intimated to the Assurance Company within thirty days. If such intimation is not received the member will be deemed to have selected option (a).

- (a) The member may take a cash return of all his or her contributions;  
or

(b)



- (b) the member may take a paid-up pension at Normal Pension Age for the amount secured by his or her contributions paid before leaving the service of the Board.

The Board's Contributions: A member who withdraws after not less than eleven years of service with the Board and who elects option (b) above will also receive the percentage shown in the scale below of pension purchased by the Board's contributions on his or her behalf up to the date of withdrawal, in the form of a paid-up pension at Normal Pension Age.

Years of Service with the Board	Percentage of Pension Purchased by the Board's Contributions
11	20%
12	40%
13	60%
14	80%
15	100%

A member cannot withdraw from the Plan while in the service of the Board.

#### 17. *Temporary Absence:*

If a member is temporarily absent from active duty but is receiving full remuneration from the Board his or her contributions will be deducted in the usual way.

If a member is temporarily absent from active duty but is not receiving full remuneration, contributions may be discontinued during absence for a period of complete half-months, and a corresponding reduction made in the pension credited.

#### 18. *Change of Salary Grade:*

Benefits and contribution rates do not alter during the year. Alteration in benefits and contribution rates will take effect on any 1st July when Annual Pay calculated as at that date entails a change in salary grade.

#### 19. *Provision of Benefits:*

The Board accepts its obligations under the Plan and in order to provide the foregoing benefits will apply the members' and its own contributions to effect a group pension policy with The Standard Life Assurance Company, and the policy may be seen at the offices of the Board on application.

The Board will hold in trust for the benefit of members the group policy and will be credited, as a reduction in future premiums, with any sum paid by the Assurance Company in excess of the benefits allowed to a withdrawing employee. The Board's liability will be limited to the amounts paid by the Assurance Company corresponding to the member's benefits and options under the Plan.

Each member will receive a signed certificate of membership in the Plan.

#### 20. *Assignment:*

The benefits and options under this Plan are unassignable whether by voluntary action or by operation of law.



21. *No Guarantee of Employment:*

Participation in the Plan shall not be construed as guaranteeing continuation in the service of the Board nor shall any provision or condition thereunder restrict the right of the Board to terminate the employment of any member.

22. *Proof of Age:*

Proof of Age will be required from all members on joining the Plan, and from any person who subsequently may be designated a joint pensioner. For married women, evidence of age must include a marriage certificate.

23. *Change of Plan:*

While the Board has every hope of maintaining the Plan in force, the right is reserved in the event of unforeseen circumstances to discontinue the Plan after six months' notice, or suspend or amend it from time to time on any anniversary of the Commencement Date, without prejudice, however, to the pension benefits secured by contributions already paid. Should the Plan be discontinued, no part of the benefits secured by the group policy shall be retained by the Board.

24. *Cash Option:*

In exceptional circumstances a member may request that a lump sum payment be made in lieu of pension payments, with the consent of the Board and subject to the approval of the Department of National Revenue.

*Schedule 1*

## TABLE OF BENEFITS AND EMPLOYEES' CONTRIBUTIONS

Pensions and Contributions are payable according to the following scale:¹

Salary Grade (1)	Annual Pay (2)		Annual Pension at Normal Pension Age for each complete year of Future Service for which contributions are paid (3)	Employees' Contributions per month for future Service Benefits (4)
	Over	Up to and including		
A .....	\$.....	\$1,100	\$ 20.00	\$ 5.00
B .....	1,100	1,300	24.00	6.00
C .....	1,300	1,500	28.00	7.00
D .....	1,500	1,700	32.00	8.00
E .....	1,700	1,900	36.00	9.00
F .....	1,900	2,100	40.00	10.00
G .....	2,100	2,500	46.00	11.50
H .....	2,500	2,900	54.00	13.50
I .....	2,900	3,300	62.00	15.50
J .....	3,300	3,700	70.00	17.50
K .....	3,700	4,300	80.00	20.00
L.....	4,300	4,900	92.00	23.00
M .....	4,900	5,500	104.00	26.00

- (1) For the purposes of the Plan, "Annual Pay" means annual rate of earnings in force on 1st July in each year, excluding any payment for overtime, commission, bonuses and gifts.
- (2) Pensions and contributions for salary grades higher than "M" will be supplied on request.



## CHAPTER 163

**An Act respecting  
the City of Owen Sound**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Owen Sound, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The lands in the City of Owen Sound, “being <sup>Lands vested in Corporation free of trusts</sup> composed of Lots Numbers Eleven and Twelve on the West Side of Poulette Street”, heretofore given and granted “unto The Mayor and Corporation of the Town of Owen Sound” by Her late Majesty Queen Victoria by instrument dated the 16th day of April, 1858, upon certain trusts and conditions, are hereby vested in the Corporation in fee simple, clear of and free from all right, title and interest other than that of the Corporation.

(2) The trusts and conditions created by such instrument <sup>Trusts annulled</sup> dated the 16th day of April, 1858, are hereby annulled.

**2.** Where in an action or by the settlement of a claim <sup>Payment of amounts recovered in actions to employees</sup> arising out of an accident to an employee the Corporation recovers from a third person a larger amount, exclusive of costs, than the amount paid to or on behalf of such employee as a result of the accident, the surplus amount or any part thereof may be paid to such employee or, in the event of his death, to one or more of his dependants.

**3.**—(1) This Act, except section 2, comes into force on the <sup>Commence-ment</sup> day it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on <sup>Idem</sup> the 1st day of January, 1959.

**4.** This Act may be cited as *The City of Owen Sound Act*, <sup>Short title</sup> 1960.





## CHAPTER 164

## An Act respecting the Townships of Raleigh and Harwich

*Assented to April 12th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Township of Raleigh Preamble  
and The Corporation of the Township of Harwich by  
their petition have prayed for special legislation to permit  
The Corporation of the Township of Raleigh, instead of con-  
structing a six-inch watermain for a distance of 1,983 linear  
feet along the southwesterly side of the Raleigh-Harwich  
Townline, to construct all necessary connections, other than  
connections on the ratepayer's own property, between the  
presently existing ten-inch watermain on the Harwich side  
of the Raleigh-Harwich Townline, heretofore constructed by  
The Corporation of the Township of Harwich, and the  
properties in the Township of Raleigh abutting on that  
portion of the Raleigh-Harwich Townline; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Corporation of the Township of Raleigh is hereby Construction  
of connec-  
tions to  
watermain  
authorized  
authorized and empowered, instead of constructing a six-inch  
watermain along the southwesterly side of the Raleigh-  
Harwich Townline from a point opposite the limit between  
Lots B and 15, Registered Plan 455, Township of Raleigh,  
to the existing main on O'Brien Drive, which Drive is also  
shown on Registered Plan 455, to construct all necessary  
connections, other than connections on the ratepayer's own  
property, between the presently existing ten-inch watermain  
on the Harwich side of the Raleigh-Harwich Townline, here-  
tofore constructed by The Corporation of the Township of  
Harwich, and the property lines of the properties in the  
Township of Raleigh abutting on that portion of the Raleigh-  
Harwich Townline from the point opposite the limit between  
Lots B and 15, Registered Plan 455, Township of Raleigh,  
to the existing watermain on O'Brien Drive, a distance of  
1,983 linear feet, in order properly to permit such properties

to be connected with the existing ten-inch watermain on the Harwich side of the Raleigh-Harwich Townline.

Payment  
authorized

**2.** The Corporation of the Township of Raleigh is hereby authorized and empowered, upon commencement of such work, to pay to The Corporation of the Township of Harwich the sum of \$5,000 which sum shall be deemed to be surplus funds raised on debentures, and section 315 of *The Municipal Act* applies.

R.S.O. 1950,  
c. 243

Local  
improvement

**3.** The work contemplated under this Act shall be deemed to be a local improvement and the \$5,000 may be assessed and levied by the Township of Raleigh in the manner provided in *The Local Improvement Act*, and section 64 of that Act applies.

R.S.O. 1950,  
c. 215

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Townships of Raleigh and Harwich Act, 1960*.

## CHAPTER 165

## An Act respecting the City of Sarnia

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Sarnia, <sup>Preamble</sup> herein called the Corporation, by its petition has represented that Sarnia Transit Company Limited, herein called the Company, is operating a bus transportation system in the City of Sarnia under the terms of an Agreement granting to the Company a franchise to operate a bus transportation system in the City of Sarnia, and that a by-law to authorize the execution of the Agreement by the Corporation was assented to on the 29th day of June, 1959, by the municipal electors of the City of Sarnia qualified to vote on money by-laws; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 4653, passed by the council of the Corpora- <sup>By-law and</sup> tion on the 27th day of July, 1959, and the Agreement <sup>bus</sup> scheduled thereto, dated the 1st day of August, 1959, and <sup>franchise</sup> made between the Corporation and the Company, granting <sup>agreement</sup> to the Company an exclusive franchise to operate a bus <sup>confirmed</sup> transportation system in the City of Sarnia upon and subject to the terms and conditions set forth in the Agreement, both as set forth in the Schedule hereto and as amended by this Act, are and each of them is hereby confirmed and declared to be and to have been on and after the 1st day of August, 1959, legal, valid and binding upon the parties thereto and their respective successors and assigns; and the Corporation is hereby authorized and empowered to pass such by-laws, to enter into such other agreements and to do such other matters and things as may be deemed necessary by the Corporation for the full and proper carrying out of the provisions of the Agreement.

2. Clause *d* of section 4 and section 11 of the Agreement in <sup>Agreement</sup> the Schedule are hereby struck out. <sup>amended</sup>

Exclusive  
authority

**3.** No person other than the Company shall, during the term of the Agreement in the Schedule, operate a local passenger transportation service within the City of Sarnia, with the exception of steam railways, taxis not operated as jitneys, buses owned and operated by a board of education, school board or private school, and buses owned and operated by any corporation or organization solely for the purposes of the corporation or organization provided no fare or fee is charged for transportation.

R.S.O. 1950,  
c. 20,  
to apply

**4.** *The Arbitration Act* applies to every arbitration under section 12 of the Agreement in the Schedule and the board of arbitration shall consist of three persons, one appointed by each of the parties to the said Agreement and the third by the two arbitrators so appointed.

By-law and  
agreement  
confirmed

**5.** By-law No. 4476 of the Corporation and the Agreement attached thereto, dated the 15th day of August, 1958, between the Corporation and the Company are hereby confirmed and declared to be and to have been legal, valid and binding on the Corporation and the Company from the respective dates thereof.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The City of Sarnia Act, 1960*.

## SCHEDULE

## BY-LAW No. 4653

A BY-LAW to authorize the execution of an Agreement between The Corporation of the City of Sarnia and Sarnia Transit Company Limited granting the said Company the exclusive right and franchise to maintain and operate buses for the conveyance of passengers in the City of Sarnia for a period of ten years commencing on September 1st, 1959, on the terms set out in the said Agreement.

---

The Municipal Council of The Corporation of the City of Sarnia enacts as follows:

1. That the proposed Agreement to be dated as of the 1st day of August, 1959, between The Corporation of the City of Sarnia and Sarnia Transit Company Limited granting to Sarnia Transit Company Limited the exclusive right and franchise to maintain and operate buses for the conveyance of passengers within the limits of the City of Sarnia for a period of ten years commencing on the 1st day of September, 1959, (a copy of which Agreement is set out in the Schedule annexed hereto and forming part of this By-law) is hereby approved and authorized.

2. That the Mayor and the Clerk of The Corporation of the City of Sarnia be and they are hereby authorized and directed to execute and deliver the said Agreement on behalf of The Corporation of the City of Sarnia and to affix the Corporate Seal of the Corporation thereto.

PASSED this 27th day of July, 1959.

(Sgd.) I. F. WALKER,  
*Mayor.*

SEAL

(Sgd.) G. A. M. THOMAS,  
*Clerk.*



## SCHEDULE TO BY-LAW No. 4653

MEMORANDUM OF AGREEMENT made as of the 1st day of August, 1959.

BETWEEN:

THE CORPORATION OF THE CITY OF SARNIA,  
(hereinafter called the "City"),

OF THE FIRST PART,

—and—

SARNIA TRANSIT COMPANY LIMITED,  
(hereinafter called the "Company"),

OF THE SECOND PART.

WHEREAS immediately prior to the 1st day of September, 1958, the City was without any public passenger transportation system;

AND WHEREAS the City and the Company entered into an agreement under which the Company has and is providing, operating and maintaining an adequate and efficacious public transportation system in the City for a period of one year from the 1st day of September, 1958;

AND WHEREAS it is desirable that the said transportation system should be continued for a further period of ten years;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:

1. Subject to the assent of the municipal electors of the City as required under *The Municipal Francises Act*, the City hereby grants to the Company the exclusive right and franchise to maintain and operate buses for the conveyance of passengers within the limits of the City as such limits may, from time to time, exist, for a period of ten years from the 1st day of September, 1959, to the 31st day of August, 1969, both dates inclusive.

2. The Company shall provide an adequate and efficacious transportation system.

3. The rates for fares and charges to be charged by the Company initially shall be as set forth in the Schedule hereto and shall be collected by and belong exclusively to the Company.

4. The City shall implement the establishment of an efficacious service by taking all steps necessary or desirable to that end, including, without limiting the generality of the foregoing:

- (a) Granting authority for the establishment and enforcement of recognized bus stops evidenced by signs for the exclusive use of buses;
- (b) Granting authority for and enforcing the prohibition of parking within bus stop areas during the periods of bus operation by the Company;
- (c) Assuring the co-operation of the Police Force of the City in the expeditious movement of buses, particularly during rush hours, and when detours become necessary due to fires or other causes;
- (d) Prohibiting the use of taxis, private cars or other vehicles operating as jitneys on the streets of the City.

5. The Company shall not operate a bus route on any street of the City without first obtaining the consent of the City to operate on such street.

6. The Company, however, shall have the right to manage its business and run its buses on such schedules, at such times and on such routes as it may deem to be in the best interests of the transportation service.

7. The Company shall establish the tariff of fares and charges as set out in the Schedule hereto and agrees that these shall not be changed by the Company without prior notification to the Council of the City, and, except by order of the Ontario Municipal Board on application to it, without the concurrence of the Council of the City. It is understood and agreed that, notwithstanding anything contained in paragraph 16 hereof, any decision of the Ontario Municipal Board affecting the tariff of fares and charges shall not preclude the Company from making more than one application during the term of this agreement to change the tariff of fares and charges. It is further understood and agreed that the Company will not make an application for a change in the tariff of fares and charges more often than once in any period of twelve months without the concurrence of the Council of the City.

8. It is understood and agreed that the revenues and expenses pertaining to the operation of charter, interurban or special trips operated by the Company are excluded from the provisions of this agreement.

9. The City shall be responsible for the repair and maintenance of roadways, curbs and sidewalks on bus routes and at bus stops, and for the removal of snow and ice from bus routes and at bus stops, and the cost of such maintenance, repair or removal shall be borne by the City.

10. The City shall pay to the Company for the transportation service for the period from the 1st day of September, 1959, to the 31st day of August, 1964, the sum of Seven Thousand Dollars (\$7,000.00) per month, which sum shall be payable on the 1st day of each month, during the said period. Within six months after the 1st day of September, 1964, either party may notify the other party that an adjustment in the amount of the monthly payment for transportation is required. In the event that the parties are unable to agree upon an adjustment of the said amount within one month after the receipt of such notice, the provisions of Section 16 of this agreement shall apply to such disagreement. Until such time as a re-adjustment is made in the amount of the monthly payment, the amount being paid each month shall continue to be paid by the City to the Company during the remainder of the term of franchise hereby granted. The said amounts, paid to provide for transportation, shall be met by a special rate levied on all the rateable property in the City of Sarnia.

11. The Company shall only be liable for the usual realty, local improvement and business taxes levied from time to time on all taxpayers in the City. The City shall not assess and the Company shall not be subjected to or be liable for any franchise tax or for any special or unusual tax levied against it by the City.

12. On one year's prior written notice to the Company, the City in any year during the term of the franchise may purchase the transportation system maintained and operated by the Company, by payment in full of the purchase price for all the then outstanding issued shares in the capital stock of the Company. The purchase price shall be determined by a *Board of Arbitration* three months before the effective date of the purchase of the transportation system by the City. The Board of Arbitration shall determine the value of the property of the Company on the basis of the actual value thereof, without regard to the way in which it is being used, its cost or its book value, or the net revenue received therefrom. To such value shall be added the sum of seventy-five thousand dollars (\$75,000.00) as a fee payment for the establishment of the transportation system in the City by the Company. The total of these two amounts shall constitute the purchase price to be paid for all the then outstanding issued shares in the capital stock of the Company.

13. The Company covenants and agrees that during the term of the franchise it will not cease its operations in the City without giving six months' prior written notice to the City of the Company's intention to

cease operations in the City. During the period of three months following the giving of any such notice the City may purchase the transportation system maintained and operated by the Company by payment in full of the purchase price for all the then outstanding issued shares in the capital stock of the Company. The said purchase price shall be determined by a Board of Arbitration in the manner provided in paragraph 12 hereof, except that the sum of seventy-five thousand dollars (\$75,000.00) referred to in paragraph 12 shall not be added to the purchase price.

14. The Company shall not be held to be in default hereunder for failure to operate, if such failure is the result of fire, act of God, strike or other cause beyond the control of the Company, and, in the event of such an occurrence, the City shall not be liable to pay the Company the equivalent portion of the payment required under paragraph 10 hereof pro-rated on a day to day basis during the period in which the Company has ceased to operate.

15. The Company shall at all times during the said term indemnify and save harmless the City, should the City be held in any way liable for the operation of the Company's buses and shall protect itself with an insurance policy or policies against accidents or liability to the public and/or passengers, and for property damage, as required by *The Highway Traffic Act* of the Province of Ontario and Regulations made thereunder, and *The Public Vehicle Act*, or any other law of the Province of Ontario, and the Company shall produce to the Council at a meeting held not later than the 1st day of March in every year every policy or guaranteed contract so made.

16. Any dispute between the City and the Company, including any dispute respecting service or the interpretation of this agreement, shall be referred to and determined by the Ontario Municipal Board, whose decision shall be final and binding on the parties hereto and from which decision there shall be no appeal.

17. The City shall immediately take all necessary action to make this agreement legal, valid and binding upon the parties hereto, including, without limiting the generality of the foregoing, the enactment of a By-law and the submission of the same, pursuant to *The Municipal Franchises Act*, to the municipal electors of the City for their assent thereto and if the assent of the electors is given, the City shall apply to the Legislature of the Province of Ontario as its next regular session for legislation confirming and ratifying this agreement, and declaring the same to be legal, valid and binding upon the parties hereto. The expense of such application and legislation shall be borne by the Company.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective seals under the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND  
DELIVERED

THE CORPORATION OF THE CITY OF SARNIA:

By I. J. WALKER,  
*Mayor.*

G. A. M. THOMAS,  
*Clerk.*

SARNIA TRANSIT COMPANY LIMITED:

STANLEY TODD,  
*President.*

J. A. LITTLE,  
*Secretary.*

## SCHEDULE TO AGREEMENT

## FARES AND CHARGES

- (a) *Adults* — Cash fare of fifteen cents (15c.) or four tickets for fifty cents (50c.) to be sold in strips only.
- (b) *Children* — Cash fare of ten cents (10c.) or seven (7) tickets for fifty cents (50c.) to be sold in strips only.
- Children are defined as and shall mean only minors under fifty-four inches (54") in height. Children under three (3) years of age, if accompanied by an adult, shall be carried free.
- (c) *Tickets* — Each ticket shall be good for one fare.
- (d) *Transfers* — Free transfers shall be given as follows:
- One per fare, good for one continuous journey in one direction to destination within the City on all connecting buses of the Company within the City; but obtainable only at the time of payment of fare. Rolled up, crumpled or otherwise mutilated transfers which are not easily discernible, may be refused.
- (e) THE ABOVE FARES shall be charged and be payable on entering the Company's buses.





## CHAPTER 166

**An Act respecting the Sarnia Board  
of Education and the Sarnia  
Suburban High School District**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Board of Education for the City of <sup>Preamble</sup> Sarnia and The Sarnia Suburban District High School Board by their petition have represented that by *The Sarnia and Suburban Secondary Schools Act, 1955*, c. 112 provision was made to enable the Boards by agreement to provide increased secondary school accommodation and to provide additional accommodation for future requirements and that it is desirable that section 3 of such Act be amended; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 1 of section 3 of *The Sarnia and Suburban Secondary Schools Act, 1955* is repealed and the following substituted therefor: <sup>1955, c. 112,  
s. 3, subs. 1,  
cl. *a*,  
re-enacted</sup>

(*a*) the cost of providing such additional accommodation shall be shared by the Boards in the proportion that the additional number of student places provided by each Board bears to the total number of additional student places provided;

(*aa*) to determine the capital cost of providing such additional accommodation, each Board shall bear the capital cost of the additional accommodation of the student places provided by it, and any difference in the number of instructional areas, auxiliary areas and school ground areas already provided by the Boards shall be taken into account when provision is made for providing for additional accommodation at any time.

1955, c. 112,  
s. 3, subs. 1,  
amended

(2) Subsection 1 of the said section 3 is amended by adding thereto the following clauses:

- (e) the number of student places and instructional areas, auxiliary areas and school ground areas provided by the two Boards as of the 31st day of October, 1956, and the 31st day of December, 1959, with respect to Northern Collegiate Institute (referred to as Northern), Sarnia Collegiate Institute and Technical School (referred to as Scits) and Central Collegiate Institute (referred to as Central) shall be deemed to be as set out in the Schedule;
- (f) any dispute between the Boards with respect to providing additional accommodation or as to each Board's share of the capital cost of such additional accommodation or the interpretation of this section shall be referred to and determined by the judge of the County Court of the County of Lambton, whose decision shall be final and binding on the Boards and from whose decision there shall be no appeal;
- (g) the Boards shall be at liberty to enter into an agreement at any time or times when additional accommodation is required.

1955, c. 112,  
s. 3,  
amended

(3) The said section 3 is amended by adding thereto the following subsection:

Interpre-  
tation

(3) In this section,

- (a) "auxiliary areas" means areas that do not carry an instructional load but are necessary to make the school function as a whole and that provide,
  - (i) administrative offices, teachers' rooms, offices for department heads, and student supply rooms,
  - (ii) health service and guidance or counselling offices,
  - (iii) auditoriums (with fixed seats), stage, dressing and property rooms,
  - (iv) P.T. instructors' offices, apparatus rooms, locker and shower rooms, spectator galleries, cafeterias, lunch rooms, kitchens,

- (v) general store rooms, boiler rooms, maintenance quarters,
- (vi) washrooms and toilets for staff and pupils,
- (vii) corridors, stairwells, entrances and other structural requirements;
- (b) "instructional areas" means student areas and are those that carry a class load and are devoted to actual instructional work, for example, classrooms, laboratories, libraries, shops, music rooms, gymnasiums, art, commercial and home economics rooms;
- (c) "school ground areas" means the land necessary for a school house, school playground, parking areas and other land required for school purposes.

2. *The Sarnia and Suburban Secondary Schools Act, 1955* <sup>1955, c. 112, amended</sup> is amended by adding thereto the following Schedule:

SCHEDULE

SUBURBAN BOARD				CITY BOARD			
Student Places				Student Places			
	Instruc- tional Areas	Auxiliary Areas	School Grounds		Instruc- tional Areas	Auxiliary Areas	School Grounds
31st October, 1956							
Northern	760	1,070	1,070	Scits....	900	900	1,070
				Central..	650	1,070	1,070
	<hr/> 760	<hr/> 1,070	<hr/> 1,070		<hr/> 1,550	<hr/> 1,970	<hr/> 2,140
31st December, 1959							
				Northern	310	....	....
				Scits....	170	170	....
	<hr/> 760	<hr/> 1,070	<hr/> 1,070		<hr/> 2,030	<hr/> 2,140	<hr/> 2,140

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. ment

4. This Act may be cited as *The Sarnia and Suburban* <sup>Short title</sup> *Secondary Schools Act, 1960.*



## CHAPTER 167

# An Act respecting the Municipality of Shuniah

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Municipality of Shuniah, in the District of Thunder Bay, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) *The Municipality of Shuniah Act, 1936* is amended <sup>1936, c. 83, amended</sup> by adding thereto the following section:

3a. The said municipality shall continue to be and shall be known as “The Municipality of Shuniah” and the inhabitants thereof are a body corporate under the name of “The Corporation of the Municipality of Shuniah”. <sup>Name of Shuniah</sup>

(2) All resolutions and by-laws heretofore passed and enacted and all acts and things heretofore done by the said municipality which were within its powers, whether in the name “The Corporation of the Municipality of Shuniah” or “Corporation of the Municipality of Shuniah” or “The Municipality of Shuniah” or “Municipality of Shuniah”, in so far as the use of the name of the municipality is concerned, are hereby validated, ratified and confirmed. <sup>Use of names validated</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Municipality of Shuniah Act, 1960*. <sup>Short title</sup>





## CHAPTER 168

**An Act respecting  
the Township of Stamford**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Township of Stamford by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Notwithstanding subsection 1 of section 53 of *The Municipal Act* and notwithstanding any other general or special Act, the council of the Township of Stamford shall consist of a reeve, a deputy reeve and five councillors, and they shall all be elected by general vote. Composition  
of council  
R.S.O. 1950,  
c. 243

(2) Subsection 1 applies to the council for the year 1961 and for all subsequent years. Effective  
date

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Township of Stamford Act, 1960*. Short title



CHAPTER 169

An Act respecting the Village of Streetsville

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Village of Streets- Preamble  
ville by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The council of The Corporation of the Village of Streets- Debenture  
by-law  
authorized  
ville is hereby authorized to pass a by-law without the  
approval of the Ontario Municipal Board to borrow the sum  
of \$15,000 upon debentures, payable in not more than ten  
years, to meet expenditures made in the year 1958 for  
granting aid for the erection, establishment, maintenance or  
equipment of the South Peel Hospital, and such by-law when  
duly passed shall be legal, valid and binding upon the Cor-  
poration and the ratepayers thereof.

**2.** The council of The Corporation of the Village of Streets- Debenture  
by-law  
authorized  
ville is hereby authorized to pass a by-law without the  
approval of the Ontario Municipal Board to borrow the sum  
of \$22,634 upon debentures, payable in not more than fifteen  
years, to meet expenditures made in the year 1958 for the  
construction of pavement and other works upon Queen Street  
South from Maiden Lane, and such by-law when duly passed  
shall be legal, valid and binding upon the Corporation and  
the ratepayers thereof.

**3.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**4.** This Act may be cited as *The Village of Streetsville* Short title  
*Act, 1960.*





## CHAPTER 170

## An Act respecting the City of Toronto

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Toronto, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The council of the Corporation may appoint a director Director of  
a division,  
Finance  
Department  
of a division in the Finance Department who shall have all  
the powers and may perform all the duties of the treasurer  
of the Corporation conferred by statute or by by-law or  
resolution of the council.

**2.** Subsection 3 of section 3 of *The City of Toronto Act*, 1957, c. 157,  
s. 3, subs. 3,  
amended  
1957 is amended by inserting after "Toronto" in the third  
line "except such portions as may be designated by by-law  
of the Metropolitan Council", so that the subsection shall  
read as follows:

(3) This section does not apply to the portions of any Application  
to  
Metropolitan  
Toronto and  
provincial  
highways  
highways that are under the jurisdiction of the  
Municipality of Metropolitan Toronto, except such  
portions as may be designated by by-law of the  
Metropolitan Council, or that are extensions or  
connecting links of the King's Highway.

**3.—(1)** Clause *a* of subsection 1 of section 6 of *The City* 1936, c. 84,  
s. 6, subs. 1,  
cl. a,  
re-enacted  
*of Toronto Act*, 1936, as amended by subsection 1 of section 3  
of *The City of Toronto Act*, 1941, is repealed and the following  
substituted therefor:

(a) "dwelling" means and includes any building, part dwelling  
of a building, tent, trailer or other covering or  
structure, the whole or any portion of which has  
been used, is used or is capable of being used for the  
purposes of human habitation, with the land and  
premises appurtenant thereto and all outbuildings,  
fences or erections thereon or therein.

1936, c. 84,  
s. 6, sub. 4  
(1956, c. 125,  
s. 4, subs. 1),  
amended

(2) Subsection 4 of the said section 6, as re-enacted by subsection 1 of section 4 of *The City of Toronto Act, 1956*, is amended by striking out "5" in the sixth line and inserting in lieu thereof "6½", so that the subsection shall read as follows:

Lien for  
loans made

(4) The corporation shall have a lien upon the dwelling in respect of which an advance as provided in subsection 3 is made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 6½ per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling.

1936, c. 84,  
s. 6,  
amended

(3) The said section 6, as amended by section 3 of *The City of Toronto Act, 1941*, section 4 of *The City of Toronto Act, 1955* and section 4 of *The City of Toronto Act, 1956*, is further amended by adding thereto the following subsections:

Removal or  
demolition  
authorized

(13) The council of the corporation may pass by-laws ordering the removal or demolition of any dwelling that has been condemned pursuant to section 97 of *The Public Health Act* as unfit for human habitation or dangerous to health or in respect of which any order made pursuant to this section has not been carried out.

R.S.O. 1950,  
c. 306

Notice

(14) Notice of the by-law shall be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title, and notice of the by-law shall thereafter be registered in the proper registry or land titles office, and the owner, mortgagee and encumbrancer have the right to appeal from the decision of the council to a judge of the county court of the County of York by a written notice to the clerk of the corporation within sixty days after the date of the registration of such notice.

Idem

(15) The notice shall set out the decision of council, the reasons for that decision and the method and time for appealing from the decision of council.

Authority  
to  
demolish

(16) Unless notice of an appeal is received by the clerk of the corporation within the time stated herein,

the

the decision of the council to remove or demolish the dwelling may be carried out by the proper persons on behalf of the corporation.

- (17) If the decision of council is appealed, the clerk of the corporation shall obtain an appointment for a hearing before a judge of the county court of the County of York and shall give notice thereof by such means and to such persons as the judge may require. Appointment for hearing
- (18) After hearing the persons who attend, the judge may confirm the decision of the council, order that the dwelling be altered and repaired in such manner and within such period as may be stated or make such other order in the circumstances as he may deem advisable, and he shall include in his order the amount of the expenses incurred or estimated to be incurred by the corporation. Jurisdiction of county court judge
- (19) The corporation has a lien for the amount of the expenses incurred by it together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which the amount was expended and the order of the judge or the certificate of the clerk of the corporation as to such amount is final, and the amount may be added to the collectors' roll to be collected in one year or to the proper collectors' rolls to be collected by instalments over a period of not more than five years and the amount or each instalment may be collected in the same manner as municipal real property taxes. Collection of expenses

4.—(1) The council of the Corporation may authorize the payment of funeral and burial expenses of persons who die within the municipality in respect of whom there are not sufficient means at the time to provide such expenses and whose bodies are not liable to be dealt with under *The Anatomy Act*. Payment of funeral and burial expenses authorized R.S.O. 1950, c. 16

(2) The Corporation may thereafter recover such expenses from the estate of the deceased person or from any person liable for the payment of such expenses. Recovery of expenses

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The City of Toronto Act, 1960*. Short title



## CHAPTER 171

**An Act respecting the Township of Toronto**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the Township of Toronto Preamble by its petition has represented that under *The Township of Toronto Act, 1959* 1959, c. 137 all outstanding capital costs of sewage works in the Township of Toronto existing on the 1st day of January, 1959, were assessed and levied on all the rateable property in the Township and that the maintenance, operation and management costs of such sewage works, where applicable, continue to be assessed and levied or charged on the rateable property in the areas as defined in by-laws applicable thereto and in the manner set out in the said by-laws, and that The Corporation of the Township of Toronto was granted permission to undertake the construction of sewage works and provide that the capital costs of such sewage works may be assessed and levied on all the rateable property in the Township and the cost of maintenance, operation and management of such sewage works may be assessed and levied on the rateable properties in any defined area in the Township; and whereas it is desirable that the cost of maintenance, operation and management of sewage works as defined in *The Township of Toronto Act, 1959* be assessed and levied on the rateable property in any defined area of the Township; and whereas the petitioner has prayed for special legislation in connection therewith; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Township of Toronto Act, 1959* is amended by 1959, c. 137, amended adding thereto the following section:

**7a.**—(1) Notwithstanding sections 5 and 64 of *The Local Improvement Act*, the council of The Corporation of the Township of Toronto may accept conveyances, dedications, grants or gifts of sewage works within the meaning of this Act that do not involve any capital expenditure by the Township. Acquisition of sewage works R.S.O. 1950 c. 215



Former  
acquisitions  
confirmed

- (2) The acceptance by the council of The Corporation of the Township of Toronto of any sewage works that may heretofore have been conveyed, dedicated, granted or given to it is hereby confirmed.

Main-  
tenance  
costs

- (3) The Corporation of the Township of Toronto may by by-law, subject to the approval of the Ontario Municipal Board, establish an area or areas in the Township and provide that thereafter the cost of maintenance, operation and management of sewage works referred to in this section shall be assessed and levied on the rateable property in such defined area or areas.

Commence-  
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of January, 1960.

Short title

- 3.** This Act may be cited as *The Township of Toronto Act, 1960*.

## CHAPTER 172

**An Act to incorporate  
The University of Lalemant College**

*Assented to March 28th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The University of Sudbury by its petition Preamble has represented that it is desirous of establishing in the Province of Ontario, at or near the City of Sudbury, an institution to provide facilities at the university level for instruction in Catholic Theology and Philosophy, having the rights and powers of a university; and whereas the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "Board" means The Board of Directors of The University of Lalemant College;
- (b) "President" means the President of the University;
- (c) "property" includes all property, both real and personal;
- (d) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (e) "Senate" means the Senate of the University;
- (f) "teaching staff" includes professors, associate professors, assistant professors, lecturers, instructors and all others engaged in the work of teaching or giving instruction or in research;
- (g) "University" means The University of Lalemant College.

University  
incorporated

**2.** Reverend Emile Bouvier, S.J., B.A., M.A., S.T.L., Ph.D.; Reverend Yvon Ferland, S.J., B.A., M.A., Ph.D.; Reverend Guy Fortier, S.J., B.A., M.A., Ph.D.; Reverend Amedee Dupas, S.J., B.A., M.A.; Reverend Guillaume Belcourt, S.J., B.A., M.A., Ph.D., who shall be the first directors of the University, and such other persons who may be appointed or elected President or a member of the Board or a member of the Senate or upon whom the University may confer a degree are hereby created a body corporate with perpetual succession and a common seal under the name of "The University of Lalemant College".

Objects and  
purposes of  
University

**3.** The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge;
- (b) the intellectual, moral, social, physical and spiritual development of its members and the betterment of society.

Faculties

**4.** The University has the power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as shall be deemed meet by the Senate and approved with respect to finances and facilities by the Board.

Degrees

**5.** The University has power and authority to grant university degrees and honorary degrees and diplomas in the fields of Theology and Philosophy.

Powers  
of  
Board

**6.**—(1) Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board under the name "The Board of Directors of The University of Lalemant College" and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and the Vice-President;
- (b) to fix the numbers, duties, salaries and other emoluments of the officers, agents and servants of the University;
- (c) to appoint an Executive Committee and such other committees as it deems advisable and to delegate to any such committee any of its powers;

(d)

- (d) to make by-laws and regulations, not inconsistent with the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

(2) By-laws do not require confirmation by the members of the corporation. Confirmation  
of by-laws

(3) The Board shall consist of the following members: Constitution  
of Board

(a) the President of the University, *ex officio*; and

(b) such number of members, not exceeding five, as may be prescribed by the by-laws of the Board, elected or appointed for a term of three years in the manner prescribed by the by-laws of the Board.

**7.** The Board shall elect a chairman from among its members. Chairman

**8.** After thirty days notice to any member, the Board may, by resolution passed by at least two-thirds of the votes cast at a meeting of the Board, declare vacant the seat of such member. Vacancies

**9.** There shall be a Senate of the University which shall be composed of the members of the Board. Senate

**10.** The Senate is responsible for the educational policy of the University and may create faculties or departments or establish chairs in any and as many of the Arts and Sciences as the Senate may determine, may create faculty councils to act as executive committees for the Senate to regulate the admission of students, courses of study and requirements for graduation, may enact by-laws regulating matters in this section referred to and may from time to time amend or replace any of its by-laws, and, without limiting the generality of the foregoing, the Senate has power, Powers of  
Senate

(a) to control and regulate the system of education of the University;

(b) to determine the courses of study and suitable standards of admission into the University and qualifications for degrees;

(c) to conduct examinations and appoint examiners;

(d) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;

(e)

(e) to confer the degrees of Bachelor, Master and Doctor in the fields of Theology and Philosophy that may appropriately be conferred by a university;

(f) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum.

President

**11.**—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

Vice-President

(2) The Board may appoint a Vice-President who shall act in the absence of the President and shall have such other powers and duties as may be conferred on him by the Board.

Powers and duties of President

(3) The President shall be the chief executive officer of the University and, subject to the will of the Board, has supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and also has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Property

R.S.O. 1950,  
c. 184

**12.** The University has, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property, whether real or personal, whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust property vested in University

**13.** All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the University.

Tax exemption

**14.** The property vested in the University and any lands and premises leased to and occupied by the University is not liable to taxation for provincial, municipal or school purposes and is exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.



**15.** Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Property of University not liable to be expropriated

**16.** All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of statute of limitations

**17.** The property and income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Application of property

**18.** The funds of the University not immediately required for its purposes and the proceeds of all property that come into the University, subject to any trusts or trust affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Investment of funds

**19.** The University, if authorized by by-law of the Board, may,

Borrowing powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) mortgage, hypothecate, pledge or charge any part or all of the property of the University to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and mortgage, hypothecate, pledge or charge all or any part of the property of the University to secure any such bonds, debentures and obligations.

Power of  
affiliation

**20.** The University has power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Proceedings  
by or  
against

**21.** All proceedings by or against the University may be had and taken in the name of "The University of Lalemant College".

Commence-  
ment

**22.** This Act comes into force on the day it receives Royal Assent.

Short title

**23.** This Act may be cited as *The University of Lalemant College Act, 1960*.

## CHAPTER 173

## An Act respecting The University of Sudbury

*Assented to March 28th, 1960*  
*Session Prorogued April 12th, 1960*

**W**HEREAS The University of Sudbury by its petition Preamble has represented that it was incorporated by *An Act to* 1914, c. 131 *Incorporate Sacred Heart College of Sudbury*, being chapter 131 of the Statutes of Ontario, 1914, as amended by *An Act* 1928, c. 103 *respecting Sacred Heart College of Sudbury*, being chapter 103 of the Statutes of Ontario, 1928, and *The University of Sudbury* 1957, c. 160 *Act, 1957*, and that it has conducted and maintained an institution of higher learning in the City of Sudbury for the past forty-five years; and whereas the petitioner has prayed for legislation amending *An Act to Incorporate Sacred Heart College of Sudbury* as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *An Act to Incorporate Sacred Heart College* 1914, c. 131 *of Sudbury* is repealed and the following substituted therefor: <sup>s. 9,</sup> re-enacted

9. The Corporation, if authorized by by-law of the <sup>Borrowing powers</sup> Board of Directors, may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board of Directors;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) mortgage, hypothecate, pledge or charge any part or all of the property of the Corporation to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may

decide,

decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the Corporation to secure any such bonds, debentures and obligations.

1914, c. 131,  
s. 12,  
re-enacted

2. Section 12 of *An Act to Incorporate Sacred Heart College of Sudbury* is repealed and the following substituted therefor:

Property

12. The Corporation shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property, whether real or personal, whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

R.S.O. 1950,  
c. 184

Investment  
of funds

13. The funds of the Corporation not immediately required for its purposes and the proceeds of all property that come into the Corporation, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board of Directors shall seem meet, and all property and revenue of the Corporation shall be applied for the attainment of the objects for which the Corporation is constituted and to the payment of expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Trust  
property  
vested  
in  
University

14. All property, real or personal, belonging to or hereafter belonging to the Corporation and all property heretofore or hereafter granted, conveyed, devised or bequeathed to any person or persons in trust for or for the benefit of the Corporation or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the Corporation.

Members  
and  
officers not  
individually  
liable for  
debts

15. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the members or officers of the Corporation, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security

incurred

incurred or entered into for or by reason of the Corporation or for or on account or in respect of any matter or thing whatsoever relating to the Corporation.

16. Real property vested in the Corporation shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. Land vested in University not liable to expropriation
17. All property vested in the Corporation and any lands and premises leased to and occupied by the Corporation shall not be liable to taxation for provincial, municipal or school purposes and shall be exempt from every description of such taxation so long as the same are actually used and occupied for the purposes of the Corporation. Tax exemption
18. Without limiting the general powers conferred upon or vested in the Corporation, the Corporation has power, without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the Corporation, making due compensation for any such real property to the owners and occupiers thereof and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation *mutatis mutandis* apply to the Corporation and to the exercise by it of the powers conferred by this Act, and, where any act is by such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the Treasurer of the Corporation or by or at the office of such officer of the Corporation exercising the office of a treasurer, as the case may be. Expropriation powers R.S.O. 1950, c. 243
19. All property vested in the Corporation shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations



## Degrees

20. The Corporation shall have power and authority to grant in all branches of learning any and all university degrees and honorary degrees and diplomas.

Proceedings  
by or  
against

21. All proceedings by or against the Corporation may be had and taken in the name of "The University of Sudbury".

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

## Short title

**4.** This Act may be cited as *The University of Sudbury Act, 1960*.

## CHAPTER 174

## An Act respecting the City of Windsor

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Corporation of the City of Windsor, <sup>Preamble</sup> herein called the Corporation, by its petition has represented that on the 3rd day of November, 1958, By-law No. 1897 was passed by the council of the Corporation for submitting to the electors the following question:

“Do you favour the election of members of Council by a City-wide vote instead of the present vote by wards?”

and that the said question was submitted to the electors on the 1st day of December, 1958, and a majority of the electors voted in the affirmative on the question; and whereas The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor has informed the council of its desire that its members be likewise elected by general vote and the council is desirous of carrying into effect the wishes of the electors and the Board; and whereas the petitioner has prayed for special legislation to effect such purpose and in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 1 of *The City of Windsor Act, 1957*, is repealed and the following substituted therefor: <sup>1935, c. 74, s. 6 (1957, c. 161, s. 1), subs. 2, re-enacted</sup>

(2) The mayor and aldermen shall be elected by general <sup>How</sup> vote. <sup>elected</sup>

2. Section 11 of *The City of Windsor (Amalgamation) Act, 1935* is repealed and the following substituted therefor: <sup>1935, c. 74, s. 11, re-enacted</sup>

11. The Board of Trustees of the Roman Catholic <sup>Separate</sup> Separate Schools for the City of Windsor shall be <sup>school</sup> <sup>board</sup>

composed of five members who shall be elected biennially by general vote and shall each hold office for a term of two years.

1956, c. 127,  
s. 1,  
re-enacted

3. Section 1 of *The City of Windsor Act, 1956* is repealed and the following substituted therefor:

Installation  
of back-  
water valves,  
etc., by  
Corporation

1.—(1) The Corporation may,

(a) install or cause to be installed in the drainage system of any building a device known as a back-water valve, which is designed to prevent water and sewage from backing up through the system or sump pumps; or

(b) repair such system,

at the request and expense of the owner thereof provided the cost of the sump pump installation and the repairs do not exceed the sum of \$250, and, where the Corporation is of the opinion that the owner of the premises is unable to pay the expense of the same at once, may enter into an agreement with such owner providing for the payment by him of the cost in equal, successive, annual payments, extending over a period not exceeding five years, including interest at a rate of not more than 6 per cent per annum on such portion of the cost as remains unpaid from time to time, and such annual payments may be added by the clerk of the Corporation to the collector's roll and collected in like manner as municipal taxes.

Registration  
of certi-  
ficate of  
charges for  
installing  
back-water  
valves, etc.

(2) Where an agreement is entered into under subsection 1, a certificate from the clerk of the Corporation setting forth the cost of the installations and repairs and a description of the lands upon which the same were made shall be registered in the proper registry office against the lands on proper proof by affidavit of the signature of the clerk, and, upon payment in full of the cost of the installations and repairs, a like certificate from the clerk indicating full payment of such cost shall be registered in such registry office and the lands shall thereupon be freed from all liability as to the cost of such installations and repairs.

Expeditious  
procedures  
authorized  
for garbage  
by-law  
violations

4. The council of the Corporation is authorized and empowered to pass by-laws providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the provisions of any by-law regulating the

collection,

collection, removal and disposal of garbage, ashes and other refuse have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 492 of *The Municipal Act* applies.

R.S.O. 1950  
c. 243

5. The Corporation is declared to have been as of the 26th day of October, 1945, the absolute owner in fee simple, clear of and free from all right, title and interest other than that of the Corporation of the lands described in the Schedule hereto.

Lands  
vested in  
Corporation

6. Section 6 of *The City of Windsor Act, 1958* is amended by striking out "\$15,000" in the third line and inserting in lieu thereof "\$30,000", so that the section shall read as follows:

1958, c. 166,  
s. 6,  
amended

6. The council of the Corporation may, out of current revenues of the Corporation, in any year grant such sum or sums of money, not exceeding in the aggregate \$30,000 in any one year, in aid of institutions, associations or persons, for the carrying on of activities which in the opinion of the council are for the general advantage of the inhabitants of the Corporation, and for which grant or grants there is no express authority provided by any other Act.

Grants  
authorized

7. Notwithstanding the provisions of any other general or special Act, the council of the Corporation may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the Corporation, a sum not exceeding \$35,000 in any year.

Expenses of  
entertaining  
guests and  
for travelling  
on civic  
business

8. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

9. This Act may be cited as *The City of Windsor Act, 1960*.

Short title

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, being composed of Part of Lots 97, 98, 99 and 100, according to Registered Plan No. 622, in the said City, and which said parcel or tract may be more particularly described as follows:

COMMENCING at an iron pin planted in the intersection of the Northerly limit of Tecumseh Road as widened, with the Easterly limit of Marentette Avenue; Thence Easterly, and following the Northerly limit of Tecumseh Road, as widened, One Hundred and Thirty-two feet six inches (132' 6") to an iron pin planted in the limit between Lots 96 and 97; Thence Northerly, and following the last mentioned limit, One Hundred and Twenty-six feet Two and one-half inches (126' 2½") to an iron pin planted in the Northerly limit of said Lot 97; Thence, Westerly, and following the Northerly limit of Lots 97, 98, 99 and 100, One Hundred and Thirty feet (130') to an iron pin planted in the Easterly limit of Marentette Avenue, being also the Westerly limit of Lot 100; Thence Southerly, and following the last mentioned limit, ninety-nine feet Eleven and one-half inches (99' 11½") more or less, to the place of beginning.



## CHAPTER 175

**An Act respecting the  
Windsor Board of Education and the  
Windsor Suburban High School District**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS The Board of Education for the City of Windsor and The Windsor Suburban District High School Board by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between The Windsor Suburban District High School Board and The Board of Education for the City of Windsor, dated the 28th day of December, 1959, set forth as the Schedule hereto, is declared to be legal, valid and binding upon both Boards and both Boards are hereby empowered to carry out all their respective obligations that might arise thereunder.

Agreement  
validated

**2.** The Agreement may be amended by mutual consent of both Boards only with the approval and consent of the Minister of Education.

Amendment  
of  
Agreement

**3.** Nothing in this Act reduces the total amount of special and general legislative grants payable to or on behalf of The Windsor Suburban District High School Board below the amount that would have been paid had this Act not been passed.

Effect of  
Act on  
grants

**4.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**5.** This Act may be cited as *The Windsor and Suburban Secondary Schools Act, 1960*.

Short title

## SCHEDULE

THIS AGREEMENT made in duplicate this 28th day of December, 1959.

BETWEEN:

THE WINDSOR SUBURBAN DISTRICT HIGH SCHOOL BOARD,  
hereinafter called the "Suburban Board",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR,  
hereinafter called the "Windsor Board",

OF THE SECOND PART.

WHEREAS BY INDENTURE dated the 17th day of December, 1956, the parties hereto agreed that a maximum of 700 secondary school students may be withdrawn by the Suburban Board from secondary schools of the Windsor Board to be accommodated in a secondary school financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board is planning to erect a secondary school situate in the Township of Sandwich West, in the County of Essex, which with its fixtures, equipment and site is hereinafter referred to as the "Sandwich West School";

AND WHEREAS the Suburban Board has requested the Windsor Board to operate the Sandwich West School in the same manner in which it operates its own secondary schools in the City of Windsor;

AND WHEREAS the Windsor Board has agreed to do so upon the terms and conditions hereinafter contained;

WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Sandwich West School is to be erected and the buildings constructed upon such lands by the Suburban Board and any furniture and equipment purchased by the Suburban Board in connection with such Sandwich West School shall be and remain vested in and be the property of the Suburban Board.

2. The Suburban Board agrees to erect the Sandwich West School in accordance with the plans and specifications which it has prepared and has had approved by the Minister of Education and of which a copy has been filed with the Windsor Board, and to supply and instal such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity and kind with those in Windsor secondary schools, and to fence, landscape and prepare the school site suitably, so that such school will be ready to open on the first school day in September, 1960.

3. Upon completion of the Sandwich West School as aforesaid, the Windsor Board shall staff, operate and maintain it and, except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Windsor Board in respect of its secondary schools in the City of Windsor as if the Sandwich West School were under the jurisdiction of the Windsor Board.

4. The Windsor Board shall pay the current operation expenses of the Sandwich West School, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage, loss and public liability.

The Suburban Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss. It is agreed that the Windsor Board shall not pay any expenses in connection with the transportation of any pupils to the Sandwich West School or any taxes, assessments, local improvement rates, sewage charges or other rates or charges of any kind whatsoever which may be imposed directly or indirectly by the municipality in which the Sandwich West School is situate.

5. The maintenance of the Sandwich West School by the Windsor Board shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment as required through normal wear and tear; provided that no structural changes shall be made by the Windsor Board without the consent of the Suburban Board.

6. The Suburban Board shall maintain the Sandwich West School financially by paying to the Windsor Board the cost of education of such pupils under the Suburban Board's jurisdiction as attend such school. Such cost is to be paid in estimated monthly instalments during each current year and shall be calculated pursuant to subsection 2 of section 69 of *The Secondary Schools and Boards of Education Act, 1954* (as if this were an agreement under subsection 2 of section 28 of such Act) except that in computing the total gross current expenditures for the calendar year, capital expenditures out of current funds together with payment for principal and interest on debentures in respect of Windsor schools owned by the Windsor Board shall not be included.

7. The Windsor Board and the Suburban Board shall discuss jointly on or before the 15th day of February in each year the allocation of pupils to the Sandwich West School and the Suburban Board shall in accordance with such allocation set the boundaries for the Sandwich West School and report the same to the Windsor Board on or before the 15th day of April in each year. Such boundaries shall be thereupon fixed and not changed without the consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 67 of *The Secondary Schools and Boards of Education Act, 1954* shall not apply to the allocation of students to the Sandwich West School.

8. The Suburban Board and the Windsor Board shall meet in joint session on the first Wednesday in February and on the third Wednesdays of May and October in each year to discuss matters arising out of this agreement.

9. The Suburban Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Windsor Board at the Sandwich West School at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

10. Both Boards agree that in the finishing and equipping of the Sandwich West School and in the planning, acquisition and equipping of any additional accommodation in connection therewith, the equipment and facilities provided shall be such as to permit uniformity of operation and maintenance with those of Windsor secondary schools.

11. All applications for rentals of the Sandwich West School shall be first submitted to the Suburban Board for approval. If approved, applications shall then be presented to the Windsor Board and the general policies, regulations and rates of the Windsor Board as to granting of applications and as to administration of rentals in secondary schools shall apply. The Windsor Board shall administer the rentals in all respects and shall retain any rental money received.

12. Unless terminated by mutual consent, this agreement shall remain in force until the 30th day of June, 1964, and will expire on such date if either Board has given notice of intention to terminate in writing to the other Board on or before the 30th day of June, 1963. If no such notice

of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the 30th day of June in any year subsequent to 1963 give written notice to the other Board of its intention to terminate on the 30th day of June in the year following, whereupon this agreement shall expire upon the 30th day of June in such year following receipt of such notice.

13. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

14. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of The Minister of Education, with all costs to be borne by the Suburban Board.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested to by their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

F. HODGES

F. HODGES

F. HODGES

F. HODGES

THE WINDSOR SUBURBAN DISTRICT  
HIGH SCHOOL BOARD:

Per: DONALD R. MACDONALD,  
*Chairman.*

W. V. BOUTEILLER,  
*Secretary.*

THE BOARD OF EDUCATION FOR THE  
CITY OF WINDSOR:

Per: H. D. TAYLOR,  
*Chairman.*

T. C. WHITE,  
*Secretary.*



## CHAPTER 176

**An Act respecting  
the Young Women's Christian Association  
of Metropolitan Toronto**

*Assented to April 12th, 1960  
Session Prorogued April 12th, 1960*

**W**HEREAS the Young Women's Christian Association Preamble of Metropolitan Toronto, herein called the Association, by its petition has prayed for special legislation to exempt its real property in the Metropolitan Area, as defined in *The Municipality of Metropolitan Toronto Act, 1953*, from municipal taxation for all purposes, except for local improvements; and whereas it appears that the real property owned and used by the petitioner was not, prior to the 1st day of January, 1959, assessed and taxed by the City of Toronto but has since then been assessed and taxed; and whereas the councils of The Municipality of Metropolitan Toronto and the City of Toronto have acquiesced in the petition; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The land, as defined in *The Assessment Act*, Tax exemption R.S.O. 1950, c. 24 acquired, owned and used prior to the 1st day of January, 1959, by the Association, in the Metropolitan Area, so long as it is owned and used solely for the purposes of the Association, is and shall be deemed to have been exempt from municipal taxation, except local improvement rates, from the 1st day of January, 1959.

(2) The council of any area municipality, as defined by Idem *The Municipality of Metropolitan Toronto Act, 1953*, may by by-law approved by the council of The Municipality of Metropolitan Toronto exempt from municipal taxation, except local improvement rates, the land, as defined in *The Assessment Act*, acquired after the 1st day of January, 1959, by the Association, in the Metropolitan Area, so long as it is owned and used solely for the purposes of the Association.



## Effect

(3) An exemption from taxes under this section shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

## Short title

**3.** This Act may be cited as *The Young Women's Christian Association of Metropolitan Toronto Act, 1960*.

First Session, Twenty-Sixth Legislature  
8-9 Elizabeth II, 1960

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## A

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